



Draft
Telecommunications (Consumer)
(Quality of Service) Regulations, 2015

Maintenance History		
Date	Change details	Version
March 2015	Proposed Draft Regulations	1.0

1. Introduction

Global perspectives on economic and social development often emphasise the role of Information and Communication Technologies (ICTs). In Trinidad and Tobago, the liberalisation and regulation of the telecommunications and broadcasting sectors are key factors in promoting ICT development. In this sense, the Telecommunications Authority of Trinidad and Tobago, (“the Authority”), is dedicated to establishing and implementing effective telecommunications policies and regulations under its mandate, in accordance with the Telecommunications Act, Chap 47:31, (“the Act”). The Authority is of the firm belief that the strategic use of effective policy development and regulation in the telecommunications and broadcasting sectors can substantially contribute to significant sustainable development for the country.

1.1 Relevant Legislation

The relevant Sections of the Telecommunications Act which were taken into consideration in the framing of the Interconnection Regulations are:

Section 3(c):

*“The objects of the Act are to establish conditions for—
promoting and protecting the interests of the public by—
(i) promoting access to telecommunications services;
(ii) providing for the protection of customers;
(iv) promoting the interests of customers, purchasers and other users in respect of the quality and variety of telecommunications services and equipment supplied”*

Section 18(1)(m):

*“Subject to the provisions of this Act, the Authority may exercise such functions and powers as are imposed on it by this Act and in particular
investigate complaints by users, operators of telecommunications networks, providers of telecommunications and broadcasting services or other persons arising out of the operation of a public telecommunications network, or the provision of a telecommunications service or broadcasting service, in respect of rates, billings and services provided generally and to facilitate relief where necessary”*

Section 18(1)(q):

*“Subject to the provisions of this Act, the Authority may exercise such functions and powers as are imposed on it by this Act and in particular—
establish a consumer complaints committee to collect, decide on and report on consumer complaints, such reports to be included in the Authority’s annual report;”*

Section 18(3):

“In the performance of its functions, the Authority shall have regard to the interests of consumers and in particular—

(a) to the quality and reliability of the service provided at the lowest possible cost;

(b) to fair treatment of consumers and service providers similarly situated;

(c) in respect of consumers similarly placed, to nondiscrimination in relation to access, pricing and quality of service; and

(d) current national environmental policy.”

1.2 Review Cycle

This document will be modified as deemed necessary by the Authority, subject to the approval of the Minister and Parliament, in order to adapt to the needs of the telecommunications industry and to meet changing circumstances. When need for modification is identified, the Authority will announce its intention to review the document and any interested party or entity in the telecommunications sector or any appropriate industry forum may suggest changes to the document.

Questions or concerns regarding the maintenance of this document may be directed to the Authority via email at legal@tatt.org.tt or info@tatt.org.tt.

1.3 The Consultation Process

The Authority will seek the views and opinions of the general public and other stakeholders regarding the proposals made in this document, in accordance with the Authority’s Procedures for Consultations in the Telecommunications Sector of Trinidad and Tobago.

This draft regulation will be made available for public comments for a period to be prescribed by the Authority.

Following consultation and amendments (where appropriate) the Telecommunications (Consumer) (Quality of Service) Regulations, will be submitted to the Minister for approval, and promulgation by negative resolution of Parliament in accordance with section 78 of the Act.

1.4 Other Relevant Documentation

The Telecommunications (Consumer) (Quality of Service) Regulations are prescribed alongside other policies, plans and regulations prepared by the Authority including the following:-

- Consumer Rights and Obligations Policy
- Draft Telecommunications (Universal Service) Regulations

- Universal Service Framework
- Universal Service Policy
- Network Quality of Service Policy
- Draft Telecommunications (Network) Quality of Service) Regulations

2. Rationale

The Telecommunications (Consumer) (Quality of Service) Regulations seeks to provide the general overarching framework that would safeguard the interests of consumers in the telecommunications and broadcasting sectors and ensure that consumers have a right to the following:

- Access to essential telecommunications and broadcast services;
- Access to the information required to make informed consumption decisions;
- Personal privacy which is respected and protected;
- Minimum standards for consumer-related service quality;
- Protection from unfair and anti-competitive business practices;
- Effective and efficient complaint recognition, handling and resolution;
- Information which creates an awareness of relevant consumer obligations.

It should be noted that the Telecommunications Act is currently being amended to ensure compliance with the Economic Partnership Agreement (EPA), now in force by Act No. 9 of 2013. Concurrently, the Authority has published a revised Authorisation Framework which seeks to bring our current authorisation process into compliance with the EPA. As such, the term “concessionaire” in these Regulations is now referred to as “authorised provider”.

It should also be noted that these Regulations follow those policy prescriptions and guidelines as set out in the Consumer Rights and Obligations Policy which underwent four (4) rounds of consultation and which policy is available on the Authority’s website.

An overview of the draft Regulations is provided below, followed by the proposed draft Regulations for consideration of interested parties.

2.1 Overview of the Regulations

THE CONSUMER’S RIGHT OF ACCESS

Part II of these Regulations ensures that consumers, including those with disabilities, have a right of access to basic telecommunications services (including directory assistance and free 24-hour access to emergency call service), broadcasting services and subscription broadcasting services.

QUALITY OF SERVICE

Part III sets out the service standards to which service providers must adhere, to ensure that they maintain an acceptable standard of service.

Authorised providers are also required under this Part in regulations 11 through 13, to use a data collection system, approved by the Authority, to collect and process data regarding its performance and to submit resultant performance reports on a quarterly and annual basis. Any additional reporting shall be submitted where the Authority deems it appropriate including, but not limited to, instances where the Authority believes that the authorised provider has failed to meet the required standard or such additional reporting will assist in the Authority's handling of a customer complaint. The resulting quality of service report compiled by Authority will be published on its website at least once per year as per regulation 17.

Part II, regulations 18 and 19 also provides for the development of a Customer Satisfaction Index by the Authority, based on Customer Satisfaction Surveys which shall be conducted from time to time. The results of which, shall be published on its website.

CONSUMER RIGHTS

Part IV seeks to ensure a consumer's right to information and that authorised providers provide to consumers, accurate product and service information, expressed clearly in an acceptable format and font, displayed and distributed in a manner which would assist them in making a reasonably informed transactional decision.

Regulations 22 through 44 individually addresses *inter alia*, the consumers' right to fair and accurate billing, electronic billing, protection of personal information, directory publication, directory inquiry assistance, timely service activation, provision of customer equipment (including for those persons with disabilities), priority assistance services, the supply of locked mobile handsets and the unlocking of same and protection against price discrimination, slamming, cramming and misleading trading practices. For each of the rights outlined in this part, the respective regulations provide a description of same and further sets out the specific requirements and parameters to be achieved and those behaviours to be avoided, respectively.

CUSTOMER CONTRACTS

Part V sets out the minimal contractual information that must be present in customer contracts, including provisions for contracts to be produced in enlarged text, braille, audio and other formats that may be required for persons with disabilities.

This Part also covers the use of unfair contract terms, standard contract terms, electronic contracts, contract term options and the means by which terms can be amended and services terminated.

Regulation 49 of Part V requires that authorised providers submit its contracts to the Authority for its approval as to whether the contract and its terms are unfair to the consumer.

Regulation 52 of Part V seeks to ensure that each customer is provided with one signed copy of its service contract and is duly informed about and provided with the authorised provider's Customer Charter and Privacy Policy, prior to the signing of the contract.

CUSTOMER CHARTER AND RELATED MATTERS

Part VI sets out an itemised listing of the minimum required contents of both the Authorised providers' Customer Charter and its Privacy Policy. In general, the Customer Charter shall include

information to assist the customer in making reasonably informed transactional decisions whereas the Privacy Policy addresses how an authorised provider shall treat with customer confidentiality and disposal of personal information.

CONSUMER OBLIGATIONS

Part VII highlights the responsibilities of the customer once they have entered into a contract with an authorised provider of telecommunications or broadcasting services. Regulation 65 ensures that where the authorised provider retains ownership of equipment, that they are granted to access to same, by the consumer, for installation, service, repair, testing and maintenance.

Regulations 66 through 68 treat with the prohibition of equipment tampering, prohibition of installation of any device which may intercept or interfere with the service offered by the authorised provider and the misuse of any public telecommunications or subscription broadcasting network or service.

COMPLAINT REDRESS

Part VIII seeks to ensure that authorised providers develop and implement efficient and fair complaint handling processes and sets out the minimum requirements for same.

Regulation 73 of this Part, requires that authorised providers submit to the Authority for its approval, a description of the process by which complaints are handled from the use of toll free lines to the training of staff, the maintenance of confidentiality throughout the complaints process, the options for complaint resolution, the process for escalation to the list of documents to be provided to the customer during the complaints handling process.

Regulation 74 outlines the circumstances under which a complaint may be submitted to and dealt with by the Authority.

COMPLIANCE WITH QUALITY OF SERVICE STANDARDS

Part IX outlines the general compliance approaches utilised by the Authority to ensure that authorised providers adhere to its prescribed quality of service standards.

Regulations 77 through 81 set out each approach in detail including the establishment of rules of procedure, the steps taken in the conduct of an investigation by the Authority, the determination of customer compensation via customer rebates, tiered sanctions dependent on the seriousness and/ or persistence of the breach, tiered action for non-compliance encompassing five levels – 1st: Warning to authorised provider, 2nd: Public notification of non-compliance on the Authority's website, 3rd: Court action pursuant to Section 71 of the Telecommunications Act Chp 47:31, 4th: The suspension of Authorisation and 5th: The termination of Authorisation.

Appendix 1 attached contains proposed draft Telecommunications (Consumer) (Quality of Service) Regulations. This draft is illustrative only of the policy positions outlined in the Consumer Rights and Obligations Policy and should not be construed as a FINAL draft.

APPENDIX 1

TELECOMMUNICATIONS (CONSUMER) (QUALITY OF SERVICE) REGULATIONS, 2014

ARRANGEMENT OF REGULATIONS

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SCHEDULE I
SCHEDULE II

REPUBLIC OF TRINIDAD AND TOBAGO

THE TELECOMMUNICATIONS ACT, CHAP. 47:31

REGULATIONS

Made by the Minister with the recommendation of the Authority under section 78(1) of the Telecommunications Act and subject to negative resolution of Parliament

THE TELECOMMUNICATIONS (CONSUMER) (QUALITY OF SERVICE)
REGULATIONS, 2014

PART I	
PRELIMINARY	
Citation	1. These Regulations may be cited as the Telecommunications (Consumer) (Quality of Service) Regulations, 2014.
Interpretation	2. (1) In these Regulations: “authorisation” means the grant of rights by notification to provide telecommunications and broadcasting services or concession for telecommunications networks, as permitted by this Act and any Regulations made thereto; “authorised provider” means a person authorised pursuant to section 21 of the Act to operate telecommunications networks or provide public telecommunications or broadcasting services; “Calling Line Identification (CLI)” means data that is generated at the time a call is established and passed through an authorised provider’s network; “Calling Number/Name Display (CND)” or “Caller ID” means a service where the number and/or name of the calling party is displayed on the device of the receiving party; “complaint” means an expression of dissatisfaction related to the quality or delivery of the service, product, facility of an authorised provider or the conduct of the complaint handling process by the authorised provider; “consumer” means a user or end-user of a public telecommunications or broadcasting service;

<p>Chap. 22:03</p> <p>Act No. 13 of 2011</p>	<p>“cramming” means the practice of placing unauthorised or misleading charges on a customer’s bill;</p> <p>“customer” means a consumer who subscribes to a public telecommunications or broadcasting service by entering into a contract with an authorised provider;</p> <p>“customer equipment” means any terminal and associated apparatus connected or to be connected to a telecommunications or broadcasting network, including any apparatus or equipment up to the demarcation point and shall include any customer premise equipment;</p> <p>“Customer Proprietary Network Information (CPNI)” means information collected by an authorised provider on a customer’s usage patterns;</p> <p>“disability” shall have the meaning ascribed to it in the Equal Opportunities Act;</p> <p>“personal information” shall have the meaning ascribed to it in the Data Protection Act;</p> <p>“prank calling” means the use of a public telecommunications service by the Calling Party either —</p> <ul style="list-style-type: none"> (i) with a malicious intent to intimidate or harm the Called Party, or (ii) to harass or annoy the Called Party, <p>and may include the use of obscene or threatening language, heavy breathing, silence, deliberate provision of untrue information, or repeated calling;</p> <p>“quality of service” means all the characteristics of a service that bear on an authorised provider’s ability to satisfy both the stated and implied needs of consumers;</p> <p>“Quality of Service standards” means the Standards, Indicators and Data Requirements set out in Schedule I of these Regulations;</p> <p>“Regulations” means these Regulations unless otherwise stated;</p> <p>“slamming” means changing a customer’s telecommunications service provider, for any service, without the customer’s permission;</p> <p>“subscription broadcasting service” means a broadcasting service that is purchased or subscribed to by a customer;</p> <p>“telemarketing” means the practice of utilizing a telecommunications service or an independent telemarketing agency to promote or sell</p>
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	<p>products and services; and</p> <p>“transactional decision” means any decision taken by a consumer on the consumption of any product or service from an authorised provider, as to —</p> <ul style="list-style-type: none"> (i) whether, how and on what terms to purchase a product or service, (ii) make payment in whole or in part for a product or service, (iii) retain or dispose of a product or service, (iv) exercise a contractual right in relation to the product or service, (v) whether to act or to refrain from acting. <p>(2). Terms and words used in these Regulations bear the same meaning as those used in the Act, unless otherwise specified.</p>
<p>Objects of these Regulations</p>	<p>3. These Regulations are intended to ensure that consumers have the right to:</p> <ul style="list-style-type: none"> (a) Access basic telecommunications services and broadcasting services; (b) Access information required to make reasonably informed transactional decisions and create an awareness of relevant consumer obligations; (c) Personal privacy; (d) Minimum standards for consumer-related service quality; (e) Protection from unfair and anti-competitive business practices; and (f) Effective and efficient complaint recognition, handling and resolution.
<p>Guiding Principles</p>	<p>4. These Regulations are based on the following principles —</p> <ul style="list-style-type: none"> (a) Promoting the consumer as an active, well-informed and rational agent in the marketplace; (b) Promoting the conscientious provision of service by authorised providers; (c) Ensuring transparency in the operations of authorised providers, while equipping consumers with the information needed to make reasonably informed transactional decisions; (d) Maximizing the socio-economic benefits to all stakeholders in the sector, while respecting and guarding consumers’ rights and privacy; and (e) Facilitating and promoting a regulatory environment in which all stakeholders, including consumers, are able to adapt to changing market conditions.

PART II THE CONSUMER'S RIGHT OF ACCESS

<p>Access to basic telecommunications services</p>	<p>5. (1) The consumer shall have a right of access to basic telecommunications services, in accordance with the Telecommunications (Universal Service) Regulations.</p> <p>(2) Authorised providers shall ensure the provision of basic telecommunications services in accordance with the Telecommunications (Universal Service) Regulations and, unless otherwise required by Regulation, shall provide at a minimum —</p> <ul style="list-style-type: none"> (a) affordable and easily accessible domestic and international call origination and termination; (b) affordable public data services of throughput as prescribed by the Authority from time to time; (c) directory assistance; and (d) free 24-hour access to emergency call service.
<p>Access to persons with disabilities</p>	<p>6. Authorised providers of public telecommunications services shall make available to persons with disabilities access to basic telecommunications services that meets their needs on terms that are comparable to those of other consumers with access to basic telecommunications service.</p>
<p>Access to broadcasting services</p>	<p>7. Consumers shall have a right to access broadcasting services and in any event shall have access to no less than one commercial Free-to-Air radio station and one commercial Free-to-Air television station.</p>
<p>Availability of subscription broadcasting services</p>	<p>8. Consumers shall have the right to access subscription broadcasting services of a high quality throughout Trinidad and Tobago.</p>

PART III QUALITY OF SERVICE

<p>Schedule I</p> <p>Minister may amend Schedule by Order</p>	<p>9. (1) The Quality of Service standards shall include but may not be limited to those set out in Schedule I of these Regulations.</p> <p>(2) The Minister may, on the advice and recommendation of the Authority, amend Schedule I by Order.</p>
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Obligation of authorised providers to comply with Schedule I	10. Authorised providers shall comply with all Quality of Service standards set out in Schedule I.
Data collection by authorised providers	11. Authorised providers shall collect and, if necessary, process data regarding their performance in the application of the Quality of Service standards required in Schedule I.
Approval of data collection systems	<p>12. (1) Authorised providers shall submit to the Authority for its approval a description of the data collection system to be used or intended to be used in the implementation of the obligation to collect and process data required by Schedule I, such approval of the Authority to not be unreasonably withheld.</p> <p>(2) The description of the data collection system shall include but not be limited to the following —</p> <ul style="list-style-type: none"> (a) technical description where appropriate of the methods of collecting the required data; (b) procedures and technical specifications where required to maintain data security, including security of customer personal information; (c) descriptions of planned upgrades, particularly those to improve compliance with the standards set out in Schedule I; (d) description of the authorised provider’s processes to ensure that information about Quality of Service is integrated into the authorised provider’s management systems and decision-making processes; and (e) any other relevant information that the Authority may require. <p>(3) The Authority may from time to time request that the authorised provider review its data collection system to ensure its capability to address any social, economical or technical changes.</p>
<p>Submission of performance reports</p> <p>Additional reporting requirements</p>	<p>13. (1) Authorised providers shall submit to the Authority information on their compliance with Quality of Service standards set out in Schedule I on a quarterly and annual basis, as the case may be, in accordance with the format prescribed by the Authority.</p> <p>(2) The Authority may require an authorised provider to submit information to the Authority regarding its performance on any Quality of Service standard at any time where —</p> <ul style="list-style-type: none"> (i) the Authority believes that the authorised provider has failed to meet the required standard; (ii) the Authority requires information to facilitate the Authority’s dealing with a customer complaint;

	(iii) the Authority for any other reason considers it appropriate.
Geographical boundaries Chap. 25:04	<p>14. (1) Where so required, performance data shall be collected by authorised providers for submission to the Authority in accordance with geographical boundaries established by the Municipal Corporations Act Chap. 25:04.</p> <p>(2) Upon submission of a written request by an authorised provider, the Authority may permit an authorised provider to collect and submit its performance data using an alternative geographical basis for a period of no more than nine months from the date of proclamation of these Regulations.</p>
Authority to monitor authorised providers	<p>15. The Authority shall monitor and enforce compliance by authorised providers with Quality of Service standards set out in Schedule 1 to:</p> <ul style="list-style-type: none"> (i) ensure that authorised providers maintain an acceptable standard of service; (ii) enable consumers to compare the quality of services offered by authorised providers; and (iii) ensure that consumers are provided adequate information to make a reasonably informed transactional decision.
Implementation of standards by existing authorised providers Implementation of standards by new authorised providers	<p>16. (1) The Authority may determine the commencement of implementation by existing authorised providers for each of the Quality of Service standards set out in Schedule I as follows:</p> <ul style="list-style-type: none"> (i) Quality of Service standards that shall come into immediate effect upon promulgation of these Regulations; (ii) Quality of Service standards that shall come into effect no later than nine months from promulgation of these Regulations; and (iii) Quality of Service standards that shall come into effect no later than eighteen months from promulgation of these Regulations. <p>(2) The Authority may determine the commencement of implementation by newly authorised providers for each of the Quality of Service standards set out in Schedule I as follows:</p> <ul style="list-style-type: none"> (i) Quality of Service standards that shall come into immediate effect upon commencement of service; (ii) Quality of Service standards that shall come into effect no later than nine months from the date commencement of service; and (iii) Quality of Service standards that shall come into effect no later than eighteen months from the date of commencement of service. <p>(3) The Authority may conduct reviews from time to time on the</p>

	need to amend existing standards or implement further standards and shall advise the Minister accordingly.
Publication of quality of service reports	17. The Authority shall publish on its website regularly, but in any event not less than once a year, quality of service reports based on the submissions made by authorised providers in accordance with regulation 13.
Customer surveys	18. The Authority may conduct surveys of customer satisfaction regarding the performance of authorised providers from time to time and shall publish the results of the surveys on its website.
Customer Satisfaction Index	19. The Authority shall develop a Customer Satisfaction Index based on the results of customer satisfaction surveys in order to facilitate the qualitative assessment of customer satisfaction concerning the performance of authorised providers.
PART IV CONSUMER RIGHTS	
Right to information	20. (1) Authorised providers shall provide information to consumers to assist them in making reasonably informed transactional decisions on the consumption of services or products from the authorised providers. (2) Information provided by authorised providers shall be — (a) accurate and complete; (b) expressed in plain, understandable language that does not mislead or confuse the consumer; (c) displayed and distributed in a manner that allows the information to reach the general public or the targeted consumer, as the case may be; (d) created using a type font and other display characteristics that make the information readable or accessible to the targeted consumer; and (e) available in a format and distributed in a manner that makes the information available to persons with disabilities to the extent practicable, including consumers with monochromacy, dichromacy or anomalous trichromacy.
	(3) Authorised providers shall meet their publication obligations by — (a) placing a copy of the information in a publicly accessible part of their principal place of business in Trinidad and Tobago and in all other places where they transact business with the public; (b) placing information, including tariffs, on their website in an

	<p>easily accessible location;</p> <p>(c) providing a copy of the information, either electronically or by mail, to any person who requests it; where the information is sent by mail, the authorised provider may request a reasonable charge for printing and the actual cost of mailing; and</p> <p>(d) in selected circumstances, publishing the information in a daily paper of general circulation in Trinidad and Tobago.</p> <p>(4) Authorised providers shall provide easily accessible and up-to-date information to consumers about —</p> <p>(a) tariffs for all offered public telecommunications and broadcasting services including but not limited to:</p> <p>(i) the terms and conditions of service,</p> <p>(ii) the price of equipment as separate from the charge for service where customer equipment integral to the provision of the service is provided to the customer;</p> <p>(b) the effects of accessing a telecommunications service from outside the service area of the authorised provider, including fees or other conditions associated with resale or roaming; and</p> <p>(c) any other information that the Authority may require.</p> <p>(5) Authorised providers shall provide transparent, up-to-date and accurate information free-of-charge to customers of telecommunications services, including customers roaming domestically or internationally, relating to the cost of services, emergency service contact information, and any other information as required by the Authority.</p>
<p>Authority to publish information</p>	<p>21. The Authority may from time-to-time make available to the public and publish on its website reports on matters of specific interest to consumers, including information on —</p> <p>(a) tariff comparisons;</p> <p>(b) Quality of Service standards, performance measurements, customer satisfaction surveys and the Customer Satisfaction Index;</p> <p>(c) roaming and resale services and the implications of accessing telecommunications services from outside the territory of the customer’s authorised provider;</p> <p>(d) the appropriate use of auto-calling systems and the development of telemarketer ‘do-not-call’ lists;</p> <p>(e) protection of customer privacy, including the privacy implications of new communications technologies;</p> <p>(f) protection of customer rights and the minimum requirements that should be met by the authorised providers’ customer charters;</p> <p>(g) unfair trading or unsolicited calling practices that make use of</p>

	<p>telecommunications services or that may be engaged by service providers including tele-fraud, prank calling, slamming or cramming; and</p> <p>(h) any matter which the Authority believes to have a specific and significant impact on consumers of telecommunications and broadcasting services.</p>
Directory publication	<p>22. (1) Customers shall have a right to receive a printed integrated Telephone Directory without charge and shall be allowed to be enrolled in subscriber directories without discrimination.</p> <p>(2) The Authority shall determine selection criteria for an authorised provider of public telecommunications services or an interested third party to be responsible for a five year period for the publication of the Telephone Directory.</p> <p>(3) Pursuant to sub-regulation (2), the Authority shall issue the criteria for selection no less than two months prior to the selection process.</p> <p>(4) Pursuant to sub-regulation (2), authorised providers of public telecommunications services shall submit, without payment of any fee or charge, the relevant information on their customers to the authorised provider for inclusion in the Telephone Directory.</p> <p>(5) Authorised providers of public telecommunications services shall only submit information of those customers who at the time of service activation provided explicit consent to their information being submitted for incorporation in the Telephone Directory and shall advise customers of the timeframe for the withdrawal of such consent prior to publication.</p> <p>(6) The Telephone Directory shall include information relating to placing emergency, local and long distance calls and support services for persons with disabilities.</p>
Directory inquiry assistance	<p>23. (1) Authorised providers of public telecommunications services shall provide directory inquiry services or ensure that such services are provided.</p> <p>(2) Directory inquiry services should function at a minimum from 8 am to 4 pm on a daily basis, inclusive of weekends and public holidays.</p> <p>(3) Where such services are offered wholesale to another service provider, such offering must be cost -based.</p>
Publication of information on radio-frequency levels	<p>24. The Authority shall from time to time make publicly available, including but not limited to publication on its website, data on the radio-frequency radiation levels emitted by telecommunications infrastructure.</p>
Service activation	<p>25. (1) Authorised providers shall activate or re-activate service to a</p>

	<p>customer in a timely manner in accordance with the Quality of Service standards.</p> <p>(2) Authorised providers shall train their service personnel responsible for installation in industry best practices to avoid unnecessary damage to customer premises and shall make adherence to these best practices a contractual condition when outsourcing installations.</p>
Access points and customer equipment	<p>26. (1) Authorised providers shall provide each customer with a functioning access point for the contracted services.</p> <p>(2) Authorised providers of broadband and subscription broadcasting services shall make available to the customer at least one item of appropriate customer equipment.</p> <p>(3) Authorised providers of fixed and mobile telecommunications services and free-to-air broadcasting services shall not be required to provide customer equipment with the provision of service.</p> <p>(4) Where the authorised provider provides customer equipment, it shall inform the customer about the terms and conditions relating to such use and any related tariff shall clearly state the price of the equipment and the cost of installation, if any, separately from the charges for the associated service.</p>
Early termination penalty	<p>27. (1) Where the customer contract is for a minimum term and the authorised provider has subsidised the provision of the customer equipment to the customer, any penalty for early termination of the contract shall relate only to the amount of the subsidy and shall be prorated over the term of the contract.</p> <p>(2) The authorised provider shall inform the customer at the time the contract for services is entered into about any penalties or other charges relating to customer equipment that may be imposed upon termination of the contract and shall specify the method used to prorate the subsidy in order to calculate the penalty.</p>
Compatible personal customer equipment	<p>28. A customer of fixed or mobile telecommunications services shall have the right to use personal customer equipment that has been certified by the Authority as being compatible with the authorised provider's network if the use of the customer equipment does not violate the customer's contractual obligations.</p>
Customer equipment for persons with disabilities	<p>29. (1) Authorised providers shall provide customer equipment to assist persons with disabilities to use essential telecommunications services in accordance with the Authority's Universal Service Framework.</p> <p>(2) The Authority shall prescribe the method by which authorised</p>

	<p>providers may recover the costs of providing appropriate customer equipment to persons with disabilities.</p>
Priority Assistance Services	<p>30. (1) Authorised providers of telecommunications services shall use their best efforts to provide Priority Assistance Services upon request to individuals diagnosed with life-threatening medical conditions.</p> <p>(2) For the purposes of these Regulations, Priority Assistance Services include but are not limited to—</p> <ul style="list-style-type: none"> (a) expediting the connection of telephony services to identified priority customers; (b) maximising the reliability of telephony services of priority customers; (c) expediting the restoration of service to priority customers in the event of a fault; (d) expediting the supply to priority customers of an interim or alternative service, with functionality comparable to their normal telephony service, where connection or repair cannot be completed within the set time frames; (e) ensuring that individuals eligible for this service are fully informed of its availability and how they may qualify; (f) ensuring there are adequate processes and systems in place to support Priority Assistance Services; and (g) ensuring that mass service disruptions are assessed, declared and notified to these priority customers more quickly. <p>(3) The Authority may adjust the requirements for Priority Assistance Services from time to time.</p>
Mobile locking handsets	<p>31. (1) Authorised providers shall unlock or remove restrictions on a handset or other customer equipment without charge when the customer’s contract with the authorised provider associated with the handset is terminated.</p> <p>(2) The capacity to unlock a handset or other customer equipment shall be available at all locations where a customer can terminate a contract.</p> <p>(3) Authorised providers are not required to unlock the handset or other customer equipment of a customer whose account is in arrears or whose account is suspended pending the resolution of a dispute relating to debt.</p>
Supply of locked mobile handsets	<p>32. (1) Authorised providers shall not directly or indirectly supply handsets or other terminal equipment that have been locked or restricted to any user who has not entered into a service contract, whether pre-paid or post-paid, with the authorised provider in respect of the equipment.</p>

	<p>(2) Authorised providers shall not lock or otherwise restrict use of any handset or terminal equipment which is purchased by a customer pursuant to regulation 28 above.</p>
<p>Right to fair and accurate billing</p>	<p>33. (1) Authorised providers shall provide customers with accurate and timely billings that do not exceed what is properly payable by the customer for the services actually used.</p> <p>(2) Authorised providers shall provide the following information in bills sent to customers—</p> <ul style="list-style-type: none"> (a) name, business address and contact information of authorised provider; (b) customer’s name, service address and account number; (c) service packages for which the customer is being billed; (d) billing period; (e) date of bill generation and/or printing; (f) current payment due date; (g) applied tariff; (h) previous payment date and amount; (i) applicable penalties if the bill was not fully paid before the previous payment due date and method of calculation of any such penalty; (j) location of all authorised payment centres and mechanisms for payment; (k) any applicable rebate or credit; (l) phone number and email address through which the customer can make inquiries about the bill; (m) charges that are clearly identified in language and terms that the customer can understand; and (n) any other relevant information required by the Authority. <p>(3) Authorised providers shall ensure that metering and billing equipment used in connection with the services provided are accurate and reliable.</p>
<p>Late payment penalties</p>	<p>34. (1) Authorised providers shall, as far as possible, ensure that no late payment penalties are levied on customers who pay bills through third party agencies within five days of payment due date.</p> <p>(2) Authorised providers shall ensure that where a late payment penalty has been levied on a customer who has already made payment on or before the payment due date to either the authorised provider or a third party agency, then that customer shall, upon verification, be reimbursed with a credit or rebate to the full value of the late payment penalty.</p>

Billing cycles	<p>35. Authorised providers shall —</p> <ul style="list-style-type: none"> (a) include identifying information about any third party, including its name, that invoices the customer through the billing process of the authorised provider; (b) ensure that their billing cycles allow for an effective payment window of no less than one-half the length of the billing cycle and, in any event, no less than fourteen days; and (c) provide customers with itemised bills without charge on request.
Verifying prepaid credit balance	<p>36. Authorised providers that provide prepaid services shall implement a means for prepaid customers to verify, without charge, their remaining credit balance for the subscribed service.</p>
Electronic billings	<p>37. Authorised providers that deliver their bills to customers electronically shall comply with the Electronic Transactions Act and, in particular, shall ensure that electronic bills are accessible, capable of retention and can be printed by the customer.</p>
Disconnection	<p>38. (1) Authorised providers of public telecommunications or subscription broadcasting services shall not disconnect a customer from service unless the customer is in material breach of the terms and conditions of the service contract and such breach has not been rectified within a reasonable time.</p> <p>(2) Authorised providers shall establish transparent criteria and procedures for determining when disconnection of a customer from services is warranted.</p> <p>(3) Authorised providers shall not disconnect a service to a customer where all charges other than those disputed have been paid.</p>
Cramming	<p>39. Authorised providers shall not engage in the practice of cramming charges on customer bills.</p>
Protection of personal information	<p>40. (1) Authorised providers shall comply with the Data Protection Act for the protection of the personal information of individuals.</p> <p>(2) Authorised providers shall ensure that the confidential information of customers is kept secure, used only for the purposes for which it was collected or for which consent has been obtained, and disclosed only in select circumstances, which shall be described in general terms in the service contract with the customer.</p>
Service interruptions	<p>41. (1) Authorised providers shall provide advance notice to customers of any service interruptions resulting from planned network outages and shall provide similar notice to the Authority and any other authorised providers affected by the service interruption.</p>

	<p>(2) Where a service interruption is not planned, the authorised provider shall take reasonable steps to inform customers, the Authority and other affected authorised providers of the nature of the interruption, including the best information about the restoration of service.</p>
Misleading trading practices	<p>42. (1) Authorised providers shall make full disclosure of the terms and conditions for all services offered, including promotional offerings, and shall not engage in any misleading advertising or commercial practice so as to cause a consumer to make a transactional decision that he would not have otherwise taken.</p> <p>(2) The Authority shall monitor all marketing and advertising by authorised providers.</p> <p>(3) For the purposes of these Regulations, a “misleading” advertisement or commercial practice is one that deceives, is likely to deceive or impairs the freedom of choice of the consumer in a manner likely to affect the consumer’s economic behaviour or injure a competitor.</p>
Price discrimination	<p>43. All consumers of telecommunications or subscription broadcasting services shall have the right to obtain the same opportunities as similarly situated consumers, without discrimination, and to pay fair and consistent prices for the use of these services.</p>
Slamming	<p>44. (1) Authorised providers of public telecommunications services shall not transfer customers to another service provider without clear authorisation from the Authority.</p> <p>(2) Authorised providers shall document all procedures for the switching of customers or services being provided to customers.</p> <p>(3) The Authority may establish minimum requirements regarding procedures and authorisations for switching of customers or services.</p>
<p>PART V</p> <p>CUSTOMER CONTRACTS</p>	
Minimum contractual information	<p>45. Authorised providers shall ensure that customer contracts are written in plain, clear language that is comprehensible to persons with no specialised training, and shall include, at a minimum, the following information—</p> <ul style="list-style-type: none"> (a) date when the agreement is made; (b) names, titles and addresses of the parties; (c) liabilities of parties; (d) statement that the laws of Trinidad and Tobago apply;

	<ul style="list-style-type: none"> (e) commencement date of the contract, agreement period and termination date; (f) terms and conditions, including identification of service fees and taxes; (g) conditions and term of renewal of the service contract, if applicable; (h) method of notification to the customer of changes to the contract; (i) events that give rise to the right of each party to early termination and, if applicable, any associated penalties; (j) minimum notice period and the manner for notification of termination, if applicable; (k) definitions of services provided, as well as the time for the initial connection; (l) channels for customer to obtain current information about the tariff changes; (m) complaint handling procedures and how to initiate a complaint; (n) whether there are any penalties in the contract, the nature of the penalties, the circumstances in which a penalty would be imposed on the customer, and the method for calculating the penalty if applicable; (o) information about the technical equipment and accessories needed for the customer to receive the service; (p) terms and conditions relating to the provision of customer equipment, including whether the customer equipment is to be owned or rented, and the charges expressed separately from the charge for service; (q) date of approval by Authority, where the contract requires approval; (r) explicit agreement by the customer to the collection and sharing of personal information where required for the provision of the service that is the subject matter of the contract, including, if desired by the customer, inclusion in an integrated directory; (s) commitment by the authorised provider to protection of customer privacy, including Customer Proprietary Network Information and a description of the situations in which confidential information might be shared; and (t) any other information the Authority may require.
<p>Accessibility to persons with disabilities</p>	<p>46. (1) Authorised providers shall make contract documents available in a format accessible to persons with disabilities, including but not limited to—</p> <ul style="list-style-type: none"> (a) legible text, including the alternative of enlarged font and text and background combinations that minimize the negative

	<p>impact on persons with monochromacy, dichromacy or anomalous trichromacy;</p> <p>(b) Braille;</p> <p>(c) audio; and</p> <p>(d) any other format that the Authority may require for persons with disabilities.</p> <p>(2) The Authority may develop mechanisms to assist authorised providers to defray the cost of making documents available to persons with disabilities.</p>
<p>Unfair contract terms</p> <p>Chap. 82:37</p>	<p>47. (1) Authorised providers shall not use unfair contract terms in their written standard form contracts or terms of business.</p> <p>(2) A contract or a contract term shall be deemed to be unfair in accordance with the Unfair Contract Terms Act and shall be unenforceable against the customer.</p>
<p>Standard form contracts and terms</p> <p>Schedule II</p>	<p>48. (1) Standard form contracts or terms for the purposes of this Part are terms that have been established by the authorised provider and are non-negotiable by the customer.</p> <p>(2) Authorised providers shall not establish standard form contracts or terms the effect of which may include but not be limited to the terms set out in Schedule II.</p> <p>(3) Any standard form contract or term that is contrary to sub-regulation (2) above shall be unenforceable against the customer.</p> <p>(4) The Minister may, on the advice and recommendation of the Authority, amend Schedule II by Order.</p>
<p>Review by the Authority</p>	<p>49. (1) Authorised providers shall submit their standard form contracts or any terms that are not individually negotiated or revisions of such contracts and terms to the Authority for its approval as to whether the contracts or terms are unfair to the customer.</p> <p>(2) In determining whether a contract term is unfair, the Authority shall consider—</p> <p>(a) the nature of the goods or services for which the contract is to be concluded;</p> <p>(b) all other terms of the contract or of another contract on which first contract is dependent;</p> <p>(c) the interests of the authorised provider;</p> <p>(d) the interests of the particular class of customers who are likely to adhere to the contract;</p>

	<p>(e) all the circumstances of the making of the contract; and</p> <p>(f) any other issues deemed to be relevant in the circumstances.</p> <p>(3) The Authority shall respond to the authorised provider’s submission of a contract or standard contract terms within twenty-eight days after receipt of the submission with either an approval or requirements for changes.</p> <p>(4) The authorised provider shall respond within fourteen days by submitting the amended contract or standard contract terms to the Authority for its approval.</p> <p>(5) The authorised provider shall publish the approved standard form contract or contract terms within fourteen days of receipt of the Authority’s approval.</p>
Implementation of amended or new contractual terms	<p>50. (1) The authorised provider shall provide not less than thirty days’ notice to all customers of contractual changes before implementation of those changes.</p> <p>(2) The authorised provider shall inform the customer of the changes by using methods of communicating with the customer including text messages, email, media advertisements and mail.</p> <p>(3) Where an authorised provider has published a new standard form contract or new contract terms that have been approved by the Authority and the effect is to reduce the obligations of the authorised provider or increase the obligations of the customer, including a tariff change, the authorised provider shall inform the customer of its options and procedures to withdraw from the contract.</p>
Staff training	<p>51. Authorised providers shall train their customer service representatives and sales persons to ensure that they can—</p> <p>(a) clearly explain the meaning of the terms of contracts for services and products offered by the authorised provider;</p> <p>(b) refer customers to any other sources of information, such as the authorised provider’s Customer Charter, the Privacy Policy or relevant publications by the Authority;</p> <p>(c) describe and compare the authorised provider’s service offerings and terms and conditions relating to services; and</p> <p>(d) provide general information about service offerings of competitors.</p>
Obligation to provide information on contractual documents	<p>52. Authorised providers shall—</p> <p>(a) provide each customer with one signed copy of the service contract, including any relevant attachments or documents</p>

	<p>incorporated by reference;</p> <p>(b) inform each customer about the Customer Charter and the Privacy Policy and shall make copies available to the customer prior to the customer’s signing of the service contract;</p> <p>(c) inform each new customer about the potential of receiving voice or text messages from the authorised provider or a third party regarding new service offerings or other advertising and shall offer the customer an explicit opportunity to accept or deny the receipt of these messages.</p>
<p>Contract term options</p>	<p>53. (1) Where a contract contains a term exceeding twelve months, the authorised provider shall explicitly provide the customer with the option to receive the same service, including equipment, under an alternative contract without any minimum term.</p> <p>(2) Where the authorised provider offers the customer a contract with a choice of minimum terms of duration, the increment between the minimum terms of the choices being offered shall not exceed twelve months.</p>
<p>Electronic contracts</p>	<p>54. Where the contract and associated information is communicated electronically, authorised providers shall ensure that they comply with the provisions of the Electronic Transactions Act.</p>
<p>Termination of service</p>	<p>55. (1) The customer may terminate service at any time by making a request for termination to the authorised provider in writing, including email, by telephone or in person.</p> <p>(2) The authorised provider, before complying with the request, shall take appropriate steps to verify the identity of the customer and ensure that the request is valid.</p> <p>(3) The authorised provider shall cease provision of service immediately following notification or, alternatively, in accordance with the Termination Policy set out in the authorised provider’s Customer Charter.</p> <p>(4) The authorised provider shall confirm the termination in writing to the customer within seven days of receipt of the termination request.</p> <p>(5) The authorised provider shall pay the customer any remaining credit within fourteen days of the date of receipt of the termination request.</p>

PART VI CUSTOMER CHARTER AND RELATED MATTERS

Customer Charter	<p>56. (1) Authorised providers of public telecommunications services or subscription broadcasting services shall develop a Customer Charter, which shall be reviewed and updated from time-to-time by the authorised provider to ensure accuracy and relevance.</p> <p>(2) The authorised provider shall submit its Customer Charter or revised Charter to the Authority for approval.</p> <p>(3) Free-to-air broadcasters are not required to develop a Customer Charter.</p>
Contents of Customer Charter	<p>57. The Customer Charter shall contain information to assist the consumer in making reasonably informed transactional decisions on the consumption of services or products from the authorised providers and shall contain at a minimum —</p> <ul style="list-style-type: none"> (a) a general statement of the authorised provider’s commitment to its customers; (b) general business information, including the business name, address and any necessary contact information, including customer service numbers and numbers for dealing with queries or complaints; (c) Privacy Policy; (d) description of the complaint handling process, including information about how to submit a complaint; (e) policy on waivers, compensation and pay-back conditions; (f) policy dealing with general billing practices, late payments, queries regarding billing, and a description of the circumstances in which service may be disconnected and what may be required before service may be re-connected; (g) policy dealing with termination of service, including payment of penalties, if any, handling of deposits, and methods of requesting termination; (h) policy dealing with the process and authorisation requirements for switching of customers to another authorised provider or the services of customers in order to avoid “slamming”; (i) policy dealing with technical support or repair services, including possible charges, and description of procedures for reporting lost or stolen equipment; (j) information about how to obtain more detailed information and the terms and conditions relating to the provision of a specific service offering;

	<ul style="list-style-type: none"> (k) information on how to accept or reject the receipt of voice or text messages regarding new service offerings or other advertising and change a previous acceptance or rejection; (l) policy on suspension or disconnection of service for tampering with customer equipment, persistent misuse of a network or service, dishonest churning, inappropriate use of telemarketing; and (m) any other relevant information required by the Authority.
<p>Privacy policy</p> <p>Act No 13 of 2011</p>	<p>58. (1) In recognizing the customer's right to privacy of its personal information, authorised providers shall develop and implement a Privacy Policy in accordance with the laws of the Republic of Trinidad and Tobago that shall include, at a minimum, the following—</p> <ul style="list-style-type: none"> (a) a commitment of compliance with the Data Protection Act and its principles; (b) how personal information collected by the authorised provider either when entering into the service contract with the customer or in the course of providing the service will be kept confidential and secure; (c) identification of situations in which personal information might be disclosed, such as emergencies dealing with health or safety, in response to a subpoena or warrant or in the course of a lawful investigation or for reasons of national security; (d) procedures through which the authorised provider will ensure that personal information is accurate and up-to-date; (e) procedures through which the customer can access his or her own personal information and challenge or correct the accuracy of information; (f) procedures and arrangements for disposal of personal information, including the criteria for disposal, such as completion of commercial arrangement or passage of time; (g) procedures to ensure that personal information is used only for the purpose for which it was collected and that the customer consents to the sharing of information where it is required to provide service to the customer; (h) description of the situations in which the provision of service implies disclosure of personal information, such as call-related information disclosed to fire, police or other emergency personnel; (i) description of any sharing of information with third parties necessary to provision of the contracted service; (j) description of particular privacy issues that might arise in the provision of a specific service or bundle of services; (k) description of any special risk management procedures used by the authorised provider to deal with risks to privacy or

	<p>protection of confidential information, such as contractual arrangements with cloud storage providers or limitation of offshore data storage;</p> <ul style="list-style-type: none"> (l) description of procedures for a customer to request that an assigned number not be published; (m) description of the privacy implications of Calling Line Identification and options available to the customer for blocking call display; (n) clarification that the authorised provider shall not block its own identification when communicating with a customer; (o) mechanisms that provide the customer with control over publication of its assigned number; (p) where applicable, specify the systems and services available for the mitigation of unsolicited calls such as telemarketing or prank calls; (q) clarification that Customer Proprietary Network Information shall remain confidential with stated exceptions, such as the operation of the network, provision of certain elements of the service, or response to authorised requests; and (r) any other relevant information that the Authority may require. <p>(2) For commercial customers, the authorised provider shall provide information in its Privacy Policy regarding confidentiality, information security, records disposal and the sharing of financial or other commercially sensitive information or to respond to a request for disclosure.</p> <p>(3) Authorised providers shall develop written internal procedures on responses to authorised requests for disclosure of either personal information or confidential corporate information.</p> <p>(4) Authorised providers shall assign responsibility for privacy protection to a specific senior executive.</p>
Disclosure of customer information	<p>59. (1) Authorised providers shall not sell, share, or disclose personal or confidential information collected from the customer without the customer's prior and explicit consent as to the purpose of disclosure and the receiving party of the disclosed information and that consent shall not be tied to the acceptance by the authorised provider of the consumer as a customer.</p> <p>(2) Notwithstanding sub-regulation (1), authorised providers may disclose information without consent subject to the exceptions set out in the Data Protection Act.</p>

<p>Accessibility to persons with disabilities</p>	<p>60. Regulation 46 shall apply <i>mutatis mutandis</i> to the obligation of authorised providers regarding the Customer Charter and the Privacy Policy.</p>
<p>CLI Information</p>	<p>61. Authorised providers of public telecommunications services shall —</p> <ul style="list-style-type: none"> (a) enable customers to block Calling Number/Name Display information on customer equipment; (b) configure their networks to enable the accurate transmission of Calling Line Identification information of the Calling Party, provided that the Calling Party has not requested the blocking of Calling Number/Name Display information; and (c) ensure that the Calling Line Identification information of the authorised provider is not blocked when contacting its customers for any purpose.
<p>Customer Proprietary Network Information</p>	<p>62. Authorised providers shall refrain from disclosure of Customer Proprietary Network Information, save where required by law for emergencies dealing with health or safety, in response to a subpoena or warrant, in the course of a lawful investigation or for reasons of national security.</p>
<p>Unsolicited calls</p>	<p>63. (1) Authorised providers must obtain explicit consent from customers at time of activation of service for the receipt of automated, pre-recorded content, any other form of telemarketing or any form of unsolicited advertisements or promotional messages.</p> <p>(2) Authorised providers who engage in telemarketing shall develop internal telemarketing policies which shall include “opt-out” notifications, “do-not-contact” lists and shall clearly identify the Calling Party and purpose of the call.</p> <p>(3) No telemarketing call placement shall be made on any emergency line or service for which the Calling Party is charged or be made before 8am or after 8pm to a residential telephone line.</p> <p>(4) Pursuant to the authorised provider’s approved Privacy Policy, authorised providers shall specify to their customers the services that are available for the mitigation or prevention of unsolicited calls and shall clearly state the additional charges for such services on the customer’s bill.</p> <p>(5) Authorised providers shall make every reasonable effort to identify the source of an unsolicited call, including prank calls, once such call has been identified as having originated on the network of the authorised provider.</p>

	<p>(6) Authorised providers shall take every reasonable measure to ensure that their networks are not used for the facilitation of criminal activities and shall ensure full cooperation with the Trinidad and Tobago Police Service as required.</p>
<p>PART VII CONSUMER OBLIGATIONS</p>	
Customer acceptance	<p>64. The customer is deemed to have accepted the conditions and provisions contained in the service contract with the authorised provider and the customer’s act of signing a service contract shall be taken as confirmation that the customer consented to be bound by the service contract.</p>
Access for maintenance	<p>65. (1) Where the authorised provider maintains ownership of customer equipment, the customer shall grant access to the equipment at reasonable times for installation, inspection, testing, repair, and other functions necessary for the maintenance of satisfactory service.</p> <p>(2) The customer may request that a representative of the authorised provider who is providing on-site service repairs or technical support provide authorised identification and the authorised provider shall ensure that employees or agents are provided with the necessary identification.</p>
Tampering prohibited	<p>66. A customer shall not—</p> <ul style="list-style-type: none"> (a) use the customer equipment for reasons other than those incidental to normal service or create a condition likely to interfere with the functions of said equipment, without written consent of the authorised provider; (b) move customer equipment owned by the authorised provider to a location or address different from the original installation without prior written consent of the authorised provider.
Interference prohibited	<p>67. (1) It is prohibited to install or affix on any part of an authorised provider’s facilities or equipment or customer equipment any equipment or device that would interfere in any way with the normal operation of a telecommunications or subscription broadcasting service, including any equipment or device that intercepts or assists in intercepting or receiving any service offered by the authorised provider.</p> <p>(2) The authorised provider shall take all reasonable measures and cooperate with the Authority to prevent or minimise the use of unlawfully acquired customer equipment.</p>

<p>Persistent misuse</p>	<p>68. (1) Consumers shall not persistently misuse a public telecommunications or subscription broadcasting network or service.</p> <p>(2) For the purposes of these Regulations, persistent misuse includes but may not be limited to the following —</p> <ul style="list-style-type: none"> (a) dishonestly obtaining telecommunications or subscription broadcasting services; (b) possessing or supplying equipment that may be used to obtain such services fraudulently; (c) improperly using an authorised provider’s network or service by sending messages that are offensive, indecent, obscene or menacing; (d) indiscriminately using an authorised provider’s network or service for the transmission, whether or not with malicious intent, of unsolicited electronic messages or “spamming” without the consent of the receiving party.
<p>Telemarketing</p>	<p>69. (1) Any person who undertakes telemarketing shall —</p> <ul style="list-style-type: none"> (a) establish and maintain a written policy which shall include cost-free “opt-out” notifications and “do-not-contact” lists and shall ensure that all persons engaged in any aspect of its telemarketing are trained in accordance with the policy; (b) use pre-recorded messages on a non-commercial basis or to persons with whom an established business relationship exists; (c) use automatic dialling systems which do not cause two or more lines of a multi-line subscriber to be engaged simultaneously; (d) disconnect an unanswered call after 15 seconds of four rings and shall not repeat that call on the same day; and (e) clearly state the identity of the Calling Party and purpose for the call and ensure that the Calling Number/Name Display information is not blocked.
<p>Dishonest Churning</p>	<p>70. (1) No customer shall switch telecommunications or broadcasting providers without having first paid all undisputed arrears.</p> <p>(2) An authorised provider shall be entitled to recover from its customer any validly invoiced and undisputed charges which remain unpaid at time of switching telecommunications or broadcasting providers.</p>

**PART VIII
COMPLAINT REDRESS**

<p>Right to submit complaints</p>	<p>71. (1) The customer has a right to communicate with the authorised provider regarding queries on its services or products or to complain about its services, products or any related matter.</p> <p>(2) A customer complaint or query may be made via customer assistance telephone numbers, email to a customer service email address, fax or posted letters, or using a complaint form available at all places of business or customer service centres of the authorised provider.</p> <p>(3) Authorised providers shall make available copies of their complaint forms together with a receptacle for its submission at all places of business and customer service centres.</p> <p>(4) Authorised providers shall respond to the complaint or query as quickly as possible in accordance with the Quality of Service standards and shall inform the customer of the time frame within which it will investigate the complaint or query.</p>
<p>Toll free customer services</p>	<p>72. (1) Authorised providers of public telecommunications or subscription broadcasting services shall implement toll-free customer care service telephone lines for all categories of services provided that at a minimum—</p> <ul style="list-style-type: none"> (a) are available for a minimum of eighteen hours a day, (b) provide customer care and assistance services, which include fault clearance assistance. <p>(2) Authorised providers shall bear all costs associated with their provision of the toll-free service, including any interconnection costs.</p>
<p>Complaint handling process</p>	<p>73. (1) Authorised providers shall develop and implement an efficient and fair complaint handling process that includes the tracking and resolution of customers' complaints and disputes.</p> <p>(2) The complaint handling process shall—</p> <ul style="list-style-type: none"> (a) recognize the need for fairness and, at a minimum— <ul style="list-style-type: none"> (i) allow the customer to state the complaint or issue in dispute; (ii) provide the customer with the results of the investigation into the subject matter of the complaint or dispute and the authorised provider's response; (iii) allow the customer to respond to the authorised provider's findings and response;

	<ul style="list-style-type: none"> (b) be transparent to the customer, including informing the customer of the status of a complaint upon request; (c) provide adequate resources for complaint handling with trained personnel who have sufficiently delegated levels of authority to permit the effective and timely resolution of complaints; (d) provide for the determination and implementation of remedies to achieve resolution of complaint or dispute; (e) be provided to the customer at no cost; and (f) designate a specific senior level executive with overall responsibility for the complaint handling process.
Submission of complaints	<p>74. (1) The authorised provider may require that a complaint or dispute be submitted in writing using forms made available by the authorised provider at its places of business and on its website.</p> <p>(2) The authorised provider is not required to meet personally with the customer making the complaint but may do so where a meeting would facilitate resolution.</p> <p>(3) The handling of complaints or disputes by the authorised provider shall be confidential to avoid prejudicing any investigation or causing embarrassment to innocent persons.</p> <p>(4) Where the customer is not satisfied with the results of the authorised provider’s complaint handling process, the authorised provider shall inform the customer of its rights under the Act to access the Authority’s dispute resolution process established under section 82 of the Act.</p> <p>(5) The authorised provider shall publicise its complaint handling process at a minimum by providing information on its website, in the Customer Charter, and providing information in any other manner that the Authority may require.</p> <p>(6) The authorised provider shall maintain records of customer complaints in accordance with the requirements of Schedule I and in any event for no less than four years from date of resolution of the complaint.</p> <p>(7) The authorised provider shall review its processes from time-to-time to improve customer satisfaction with its handling of complaints.</p>
Approval by the Authority	<p>75. Before implementing its complaint handling process, the authorised provider shall submit to the Authority for its approval a description of the process that shall include but not be limited to—</p> <ul style="list-style-type: none"> (a) designation of the toll-free customer service number and other means of communicating with the authorised provider;

	<ul style="list-style-type: none"> (b) training plans for personnel who will be assigned to deal with customer complaints; (c) name of the senior executive who will be responsible for the customer complaint handling process; (d) procedures for maintaining confidentiality of the process; (e) procedures for escalation of the process to personnel with necessary authority to resolve a particular issue; (f) plans to publicise the process so that customers will be aware of their options for the resolution of complaints; (g) copies of forms or information documents to be provided to customers during the complaint handling process; (h) plans for review and determination of customer satisfaction with the process; (i) description of how customer complaints will be integrated into information derived from application of Quality of Service standards set out in Schedule I; and (j) any other relevant information the Authority may require.
<p>Authority's handling of consumer complaints</p>	<p>76. (1) The Authority shall investigate and resolve consumer complaints regarding the provision of services by an authorised provider in respect of public telecommunications and broadcasting services in accordance with its Consumer Complaints Handling Procedures.</p> <p>(2) The Authority shall investigate and resolve consumer complaints regarding broadcasting content in accordance with its Broadcasting Content Complaints Handling procedures.</p> <p>(3) A customer may submit a complaint to the Authority where—</p> <ul style="list-style-type: none"> (a) no reasonable effort was made by the authorised provider to resolve the complaint; (b) the customer is dissatisfied with the outcome of the complaint handling process or with the manner in which the complaint has been handled by the authorised provider; (c) the customer is of the opinion that all means of resolution have been exhausted with the authorised provider; or (d) reasonable attempts by the customer to contact the authorised provider have been unsuccessful. <p>(4) Consumer complaints, other than those regarding broadcasting content, may be considered by the Authority's Consumer Complaints Committee, where no other resolution for the complaint has been achieved.</p> <p>(5) All decisions of the Consumer Complaints Committee shall be included in the Annual Reports of the Authority.</p>

<p>First approach must be to authorised provider</p>	<p>77. (1) The Authority shall require a customer to submit its complaint to the relevant authorised provider and complete the authorised provider’s complaint handling process before submitting the complaint to the Authority.</p> <p>(2) Notwithstanding subregulation (1), where, in the opinion of the Authority, a complaint raises an issue of important public interest, the Authority may remove that complaint from an authorised provider’s complaint handling process to be handled by the Authority’s process.</p> <p>(3) The Authority shall not deal with a complaint where, in its opinion, the complaint is frivolous or vexatious.</p> <p>(4) The Authority shall not be obliged to deal with anonymous complaints.</p>
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PART IX
COMPLIANCE WITH QUALITY OF SERVICE STANDARDS

<p>General compliance approaches</p>	<p>78. The Authority shall ensure compliance with these Regulations by —</p> <ul style="list-style-type: none"> (i) publication of information in accordance with regulations 17 and 18; (ii) application of consumer remedies, which shall include but not be limited to the provision of rebates to consumers where the service experience is below the applicable Quality of Service standards; (iii) initiation of enforcement proceedings in accordance with the Act and Regulations.
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<p>Investigation by the Authority</p>	<p>79. (1) Where the Authority has reason to believe that an authorised provider has failed to comply with the Quality of Service Standards or has failed to submit required information the Authority or has otherwise committed a breach of these Regulations, the Authority shall initiate an investigation.</p> <p>(2) Prior to commencement of an investigation, the Authority shall communicate in writing with the authorised provider providing at a minimum —</p> <ul style="list-style-type: none"> (a) Particulars of the alleged breach, including the particulars of the provisions of these Regulations that are alleged to have been breached; (b) Particulars of the sanctions that are relevant to the potential breach; (c) An invitation to the authorised provider to make any representations to the Authority;
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	<p>(d) Any requests for further information required for the Authority’s investigation, making reference to the provisions of the Act, any Regulations or authorisation under which the request for information is being made; and</p> <p>(e) An outline of the process for consideration of potential breaches, in accordance with rules of procedure established by the Authority, as well as an estimated time line of the process.</p>
Authority to establish rules of procedure	<p>80. (1) The Authority shall establish rules of procedure to deal with breaches of the quality of service standards that shall include at a minimum —</p> <p>(a) procedures for representations to the Authority;</p> <p>(b) role of counsel;</p> <p>(c) witnesses and witness statements;</p> <p>(d) expert witnesses and expert reports;</p> <p>(e) pre-hearing conferences;</p> <p>(f) confidential information and confidentiality undertakings;</p> <p>(g) standing of third parties;</p> <p>(h) costs; and</p> <p>(i) any other matters the Authority considers relevant.</p>
Consumer rebates	<p>81. The Authority shall determine the compensatory payment, if any, to be made to each consumer that experiences levels of service that fall below the Quality of Service standards or is affected by the failure of an authorised provider to meet the relevant Quality of Service standards.</p>
Tiered Sanctions	<p>82. (1) The Authority shall apply a system of Tiered warnings and sanctions to authorised providers who breach these Regulations.</p> <p>(2) In applying such system, the Authority shall consider:</p> <p>(a) the seriousness of the breach;</p> <p>(b) the extent to which the authorised provider persistently or repeatedly breaches these Regulations; and</p> <p>(c) any other matters that the Authority considers relevant.</p> <p>(3) For the purpose of determining the applicable Tier for a particular breach, the Authority shall consider all breaches by the authorised provider that have occurred within the twelve-month period</p>

	immediately preceding the date on which the breach under investigation was alleged to have been committed.
	(4) Notwithstanding sub-regulation (3), the Authority may determine that a higher Tier should be applied to a breach by an authorised provider based on its compliance history.
Tier 1: First warning	(5) The Authority shall provide the authorised provider with written notification of its non-compliance with these Regulations, containing the details of the breach and a statement that the notification is a first warning to the authorised provider.
Tier 2: Public Warning	(6) Failure to remedy the non-compliance or a further non-compliance by the authorised provider shall result in the Authority's action as follows: <ul style="list-style-type: none"> (i) issuance of a second notification of non-compliance with these Regulations, containing details of the breach and a statement that the notification is a public warning; (ii) publication of the notification on the Authority's website; (iii) direction by the Authority to the authorised provider to publish the notification on its own website.
Tier 3: Court action	(7) Failure to remedy the non-compliance or a further non-compliance by the authorised provider shall result in the Authority's action as follows: <ul style="list-style-type: none"> (i) issuance of a notification to the authorised provider that it has breached these Regulations, containing details of the breach and a statement that the Authority shall take action pursuant to section 71 of the Act; (ii) action by the Authority pursuant to section 71 of the Act.
Tier 4: Suspension of Authorisation	(8) Continuous or repeated breaches of these Regulations shall result in the Authority's action as follows: <ul style="list-style-type: none"> (i) issuance of a notification to the authorised provider that it has continuously or repeatedly breached these Regulations, containing details of the continuous or repeated breach or breaches and that a recommendation for suspension shall be made to the Minister pursuant to the Act; (ii) submission of a recommendation for suspension of the authorisation to the Minister under section 30 of the Act; (iii) publication by the Authority on its website and one daily newspaper a notice containing details of the breach and the sanction applied.
Tier 5: Termination of Authorisation	(9) Continuous or repeated breaches of these Regulations shall result in the Authority's action as follows:

	<p>(i) issuance of a notification to the authorised provider that it has continuously or repeatedly breached these Regulations, containing details of the continuous or repeated breach or breaches and that a recommendation for termination shall be made to the Minister pursuant to the Act;</p> <p>(ii) submission of a recommendation for termination of the authorisation to the Minister under section 30 of the Act;</p> <p>(iii) publication by the Authority on its website and one daily newspaper a notice containing details of the breach and the sanction applied.</p>
Offences	<p>83. A person who fails to comply with any of the provisions of these Regulations commits an offence under section 71 of the Act and is liable to such penalties prescribed therein.</p>

SCHEDULE I

(Regulations 9, 10, 11, 12, 13, 16, 72 and 73)

A1 CUSTOMER SERVICE INDICATORS

SERVICE ACTIVATION TIME

MEASUREMENT METHOD	$I_{1.1} = \frac{1}{n} \sum^n (a/n) * 100$ <p>Where: a = 1 if (v-p) ≤ s (timely activation) a = 1 if (v = date selected by customer) a = 0 if (v-p) > s (late activation) <i>p = date of payment for individual new subscription</i> <i>v = service activation date</i> <i>n = total number of subscription requests in respective period</i> <i>s = applicable standard timeframe</i></p>						
PURPOSE	STANDARDS				DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To ensure that consumers are guaranteed timely and efficient service activation of new subscriptions.	Authorised provider group	Immediate	Short Term	Medium Term	Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	75% in <5 days 95% in <7 days 100% in <10 days	75% in <3 days 95% in <5 days 100% in <10 days	75% in <3 days 95% in <5 days 100% in <7 days	Customer Account Database	To be collected on monthly basis but reported on a quarterly basis	To be submitted on both a national and regional (per geographical region) basis
	<i>Mobile Telecommunications</i>	90% in <1 hr 99% < 5 hrs 100% in <24 hrs	95% in <1 hr 99% < 5 hrs 100% in <24 hrs	95% in <1 hr 99% < 5 hrs 100% in <24 hrs			
	<i>Subscription Broadcast</i>	75% in <3 days 95% in <5 days 100% in <7 days	75% in <2 days 95% in <3 days 100% in <7 days	75% in <1 days 95% in <2 days 100% in <3 days			
	<i>Free-to-air Broadcast</i>	Not Applicable	Not Applicable	Not Applicable			

INDICATOR 1.2

SERVICE RE-ACTIVATION TIME

MEASUREMENT METHOD	$I_{1.2} = \frac{1}{n} \sum^n (a/n) * 100$ <p>Where: a = 1 if (v-p) ≤ s (timely re-activation) a = 0 if (v-p) > s (late re-activation) <i>p = time of settlement of arrears/ dispute</i> <i>v = time of service re-activation</i> <i>n = total number of re-activation requests in respective period</i> <i>s = applicable standard timeframe</i></p>						
PURPOSE	STANDARDS				DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To ensure that consumers are guaranteed timely and efficient re-activation for existing subscriptions for which service had been previously suspended. Such suspension may be due to some dispute, such as unpaid arrears.	Authorised provider group	Immediate	Short Term	Medium Term	Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	90% in 48hrs	90% in 36hrs 95% in 48hrs	90% in 24hrs 95% in 48hrs	Customer Account Database	To be collected on monthly basis but reported on both a quarterly and annual basis	Need only be submitted on a national basis
	<i>Mobile Telecommunications</i>	90% in 1 hr	95% in 1 hr	95% in 1 hr			
	<i>Subscription Broadcast</i>	90% in 24hrs	90% in 18hrs 95% in 24hrs	90% in 12hrs 95% in 24hrs			
	<i>Free-to-air Broadcast</i>	Not Applicable	Not Applicable	Not Applicable			

INDICATOR 1.3		FAULT INCIDENCE						
MEASUREMENT METHOD	$I_{1.3} = (F/L)*1000$ <p><i>F = total number of faults reported in period</i> <i>L = total number of national service lines/ subscriptions</i></p>							
PURPOSE	STANDARDS				DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
To ensure that consumers are guaranteed reliable service of a high quality, within minimum incidence of faults. This indicator is in relation to localised access network faults such as “subscriber line faults” in the fixed telecommunications sphere.	Authorised provider group	Immediate	Short Term	Medium Term	Source	Timeframe	Geographical Basis	
	<i>Fixed Telecommunications</i>	<60	<55	<45	Operational Support Database	To be collected monthly but reported on a quarterly basis	To be submitted on both a national and regional basis	
	<i>Mobile Telecommunications</i>	<60	<55	<45				
	<i>Subscription Broadcast</i>	<60	<55	<45				
	<i>Free-to-air Broadcast</i>	Not Applicable	Not Applicable	Not Applicable				
INDICATOR 1.4		FAULT REPAIR TIME						
MEASUREMENT METHOD	$I_{1.4} = \sum^n (a/n)*100$ <p>Where: $a = 1$ if $(r-f) \leq s$ (timely repair) $a = 0$ if $(r-f) > s$ (late repair) <i>f = time of receipt of fault report</i> <i>r = time of fault repair clearance</i> <i>s = applicable standard timeframe</i></p>							
PURPOSE	STANDARDS				DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
To ensure those consumers are guaranteed efficient and timely restoration of services due to fault incidence. This indicator is in relation to localised access network faults such as “subscriber line faults” in the fixed telecommunications sphere.	Authorised provider group	Immediate	Short Term	Medium Term	Source	Timeframe	Geographical Basis	
	<i>Fixed Telecommunications</i>	80% in 48hrs	75% in 36hrs 90% in 48hrs	75% in 24hrs 90% in 48hrs	Operational Support Database	To be collected monthly but reported on a quarterly basis	To be submitted on both a national and regional basis	
	<i>Mobile Telecommunications</i>	90% in 48hrs	85% in 36hrs 90% in 48hrs	90% in 24hrs 95% in 48hrs				
	<i>Subscription Broadcast</i>	80% in 48hrs	75% in 36hrs 80% in 48hrs	75% in 24hrs 90% in 48hrs				
	<i>Free-to-air Broadcast</i>	Not Applicable	Not Applicable	Not Applicable				
INDICATOR 1.5		CONSUMER QUERY RESPONSE TIMES						
MEASUREMENT METHOD	$I_{1.5} = \sum^n (a/n)*100$ <p>Where: $a = 1$ if $(r-c) \leq s$ (timely response) $a = 0$ if $(r-f) > s$ (late response) <i>f = exact time of receipt of query</i> <i>r = exact time of query response</i> <i>s = applicable standard timeframe</i> <i>n = number of complaints received in period via respective method</i></p>							
PURPOSE	STANDARDS				DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
This ensures that consumer queries relating to billing, malfunctioning connection, quality of service and other issues	Authorised provider group	Customer Query Response Times				Source	Timeframe	Geographical Basis
		Telephone Support	Email Support	Postage or Faxed Letter	Customer Service Centres			

are dealt with promptly. The Service Provider will be required to include a commitment as to the time within which the investigation will be completed or the query resolved, in their response to the consumer, such timeframe should be in accordance with times proposed in Indicator 1.7.	<i>Fixed Telecommunications</i>	85% < 40 seconds 95% in < 2.5 minutes	95% < 24 hrs (or next working day)	85% in < 3 days 95% < 5 days	85% < 30mins 95% < 1 hr	Customer Service Database	To be collected monthly but reported on both a quarterly and annual basis	Need only be submitted on a national basis
	<i>Mobile Telecommunications</i>	85% < 40 seconds 95% in < 2.5 minutes	95% < 24 hrs (or next working day)	85% in < 3 days 95% < 5 days	85% < 30 mins 95% < 1 hr			
	<i>Subscription Broadcast</i>	85% < 40 seconds 95% in < 2.5 minutes	95% < 24 hrs (or next working day)	85% in < 3 days 95% < 5 days	85% < 30 mins 95% < 1 hr			
	<i>Free-to-air Broadcast</i>	85% < 40 seconds 95% in < 2.5 minutes	95% < 24 hrs (or next working day)	85% in < 3 days 95% < 5 days	85% < 30 mins 95% < 1 hr			

INDICATOR 1.6

CUSTOMER SERVICE CALL ANSWERING TIME

MEASUREMENT METHOD	$I_{1.6} = 100 \sum^n (a/n) * 100$ <p>Where: a = 1 if (r-f) ≤ s (timely answer) a = 0 if (r-f) > s (late answer) f = time of initiating service support call r = time of answering service support call s = applicable standard timeframe</p>
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PURPOSE	STANDARDS			DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
	Authorised provider group	Customer Service Call Answering Time		Source	Timeframe	Geographical Basis	
Telephone Support		Calls not answered					
This ensures that consumer service calls are answered quickly. This indicator applies only to customer support accessed via telephone, and is relevant in conjunction with the 'Consumer Query Response Time' indicator.	electronic answer		operator answer		Customer Support Service Database	To be collected monthly but reported on a quarterly basis	Need only be submitted on a national basis
	<i>Fixed Telecommunications</i>	80% within 10secs 95% within 20secs	80% within 20secs 95% within 40secs	5%			
	<i>Mobile Telecommunications</i>	80% within 10secs 95% within 20secs	80% within 20secs 95% within 40secs	5%			
	<i>Subscription Broadcast</i>	80% within 10secs 95% within 20secs	80% within 20secs 95% within 40secs	5%			
	<i>Free-to-air Broadcast</i>	Not Applicable	Not Applicable	Not Applicable			

INDICATOR 1.7		CONSUMER COMPLAINT RESOLUTIONS				
MEASUREMENT METHOD	$I_{1.7} = \frac{1}{n} \sum a_i * 100$ <p>Where: a = 1 if (r-c) ≤ s (timely resolution) a = 0 if (r-c) > s (late resolution) c = date of lodgement of complaint r = date of resolution of complaint n = total number of complaints received in respective period s = applicable standard timeframe</p>					
PURPOSE	STANDARDS			DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To ensure that Authorised Providers resolve the majority of received consumer complaints via their internal complaint handling procedures	Authorised provider group	Immediate Term	Medium Term	Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	75% in 10 days 90% in 20 days	75% in 7 days 90% in 10 days 95% in 20 days	Consumer Complaints Database	To be collected monthly but reported on a quarterly basis	Need only be submitted on a national basis
	<i>Mobile Telecommunications</i>	75% in 10 days 90% in 20 days	75% in 7 days 90% in 10 days 95% in 20 days			
	<i>Subscription Broadcast</i>	75% in 10 days 90% in 20 days	75% in 7 days 90% in 10 days 95% in 20 days			
	<i>Free-to-air Broadcast</i>	Not Applicable	Not Applicable			
INDICATOR 1.8		BILLING ACCURACY				
MEASUREMENT METHOD	$I_{1.8} = \frac{1}{T} \sum [(1 - (e_t/n_t)) * 100] / T$ <p>Where (t = 1, 2, ..., T) e_t = number of billing complaints in billing cycle 't' n_t = total number of invoices in billing cycle 't' T = the number of billing cycles in respective period</p>					
PURPOSE	STANDARDS			DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To protect consumers' rights to fair and accurate billing by minimising the incidence of billing errors	Authorised provider group	Immediate Term		Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	≥ 99%		Accounting Database	Measurements for each billing cycle to be collected monthly but reported on a quarterly basis	Need only be submitted on a national basis
	<i>Mobile Telecommunications</i>	≥ 99%				
	<i>Subscription Broadcast</i>	≥ 99%				
	<i>Free-to-air Broadcast</i>	N/A				

A2. NETWORK INDICATORS

INDICATOR 2.1

PUBLIC PAYPHONE AVAILABILITY

MEASUREMENT METHOD	$I_{2.1} = \frac{1}{T} \sum [1 - (d_i/n)]$ <p>Where (t = 1, 2, ..., T) <i>d_i</i> = number of non-operational payphones on day 't' <i>n</i> = total number of established payphones <i>T</i> = total number of days in period (e.g. 365 for year, 91 for quarter)</p>				
PURPOSE	STANDARDS		DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To ensure optimal access to a basic telecommunication service for individuals or communities who may not be able to afford or do not have subscriptions	Authorised provider group	Immediate Term	Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	≥ 85%	Payphone Operational Logs	To be reported on a quarterly basis	To be submitted on both a national and regional basis
	<i>Mobile Telecommunications</i>	≥ 85%			

INDICATOR 2.2

NETWORK GRADE OF SERVICE

MEASUREMENT METHOD	$I_{2.2} = (1 - (d/p)) * 100$ <p><i>d</i> = cumulative total minutes of down time during period <i>p</i> = number of minutes in measured period (approximately 42500 minutes in month)</p>				
PURPOSE	STANDARDS		DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To ensure that the consumer has reliable and consistent access to the service network.	Authorised provider	Network Grade of Service	Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	≥ 99.99%	Operational Systems Database	To be reported on a biannual basis	Need only be submitted on a national basis
	<i>Mobile Telecommunications</i>	≥ 99.9%			
	<i>Subscription Broadcast</i>	≥ 99.9%			
	<i>Free-to-air Broadcast</i>	N/A			

INDICATOR 2.3

SPEECH TRANSMISSION QUALITY

MEASUREMENT METHOD	The speech call quality should not fall below the following levels: - MOS Factor = 3.8 - R-Factor equivalence 70 (Where ITU-T G.107 default value = 94) All standards must be met 95% of the time.				
PURPOSE	STANDARDS		DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To ensure that the clarity of communication is maintained throughout the transmission of the communication signal across Authorised provider network(s).	The average speech quality received at the edge of the network/or at the terminal of the end-user. A test speech pattern shall be communicated to the test terminal location and the speech quality received compared to the test pattern sent.		Source	Timeframe	Geographical Basis
			Call Quality Measurement Systems	To be reported on a biannual basis	To be submitted on both a national and regional basis

INDICATOR 2.4		DROPPED CALL RATE					
MEASUREMENT METHOD	$I_{2.4} = (d/n)*100$ <i>d = total number of dropped calls</i> <i>n = total number of established calls in given period</i>						
PURPOSE	STANDARDS			DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
To ensure that consumers are able to enjoy high quality telecommunications services with minimal incidence of unintentional call dropping.	Public Telecommunications Network	Procedure			Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	This statistic shall be obtained from Key Performance Indicator (KPI) data made available to the Authority by the Service Providers. Alternatively, the Authority may take measurements of the metric at a standard sample of terminal locations on a periodic basis to validate submissions.			Voice Traffic Statistics	To be reported on a biannual basis	To be submitted on both a national and regional basis
	<i>Mobile Telecommunications</i>	This data shall be obtained from mobile field tests conducted by the Service Providers, along major thoroughfares (highways, primary and secondary roads). The following baseline parameters will be determined by the Authority, in consultation with relevant stakeholders: <ul style="list-style-type: none"> • The “busy hour” period when tests will be conducted • The route to be used during testing • Vehicular speed at which field tests will be completed • Duration of calls made during tests • Number of calls to be made 					
	Authorised provider group	Dropped Call Rate					
		Immediate	Short-Term	Medium Term			
	<i>Fixed Telecommunications</i>	≤ 3%	≤ 2%	1%			
<i>Mobile Telecommunications</i>	≤ 4%	≤ 3%	≤ 2%				

INDICATOR 2.5		CALL SETUP SUCCESS RATE					
MEASUREMENT METHOD	$I_{2.5} = (e/a)*100$ <i>e = total number of established calls in a given period</i> <i>a = total number of attempted calls in a given period</i>						
PURPOSE	STANDARDS			DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
To test the call setup procedure initiated when the consumer attempts to make a call	Public Telecommunications Network	Procedure			Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	This statistic shall be obtained from Key Performance Indicator (KPI) data made available to the Authority by the Service Providers. Alternatively, the Authority may take measurements of the metric at a standard sample of terminal locations on a periodic basis to validate submissions.			Voice Traffic Statistics	To be reported on a biannual basis	To be submitted on both a national and regional basis
	<i>Mobile Telecommunications</i>	This data shall be obtained from mobile field tests conducted by the Service Providers, along major thoroughfares (highways, primary and secondary roads). The following baseline parameters will be determined by the Authority, in consultation with relevant stakeholders:					

		<ul style="list-style-type: none"> The “busy hour” period when tests will be conducted The route to be used during testing Vehicular speed at which field tests will be completed Duration of calls made during tests Number of calls to be made 				
	Authorised provider Group	Subscriber Call Setup Success Rate				
		Immediate	Short-Term	Medium Term		
	<i>Fixed Telecommunications</i>	≥ 97%	≥ 98%	≥ 99%		
	<i>Mobile Telecommunications</i>	≥ 96%	≥ 97%	≥ 98%		

INDICATOR 2.6

SERVICE ACCESS DELAY

MEASUREMENT METHOD	$I_{2.6} = \frac{1}{T} \sum (r - i)$ <p>where (t = 1, 2, ..., T) <i>r</i> = precise time at which call is initiated <i>i</i> = precise time at which network responds <i>T</i> = total calls made during period</p>				
PURPOSE	STANDARDS		DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS		
To ensure that consumers are able to enjoy high quality telecommunications services with minimal wait for call initiation	Authorised provider group	Immediate Term	Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>	≤ 5 seconds	Voice Traffic Statistics	To be reported on a quarterly basis	Need only be submitted on a national basis
	<i>Mobile Telecommunications</i>	≤ 7 seconds			

INDICATOR 2.7

AVAILABLE BANDWIDTH TO CONSUMER

MEASUREMENT METHOD	The deployment of bandwidth meter (hardware or software) at the customer’s access point and/or appropriate network point, for a sample population.					
PURPOSE	STANDARDS		DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
To ensure that consumers are able to enjoy high quality internet, reflective of the value of money paid for respective service packages.	Authorised provider group	Average Available Bandwidth during period		Source	Timeframe	Geographical Basis
		Broadband	Narrowband			
	<i>Fixed Telecommunications</i>	>50% of advertised, 99% of time,	>50% of advertised, 99% of time,	n/a	To be reported on a biannual basis for given service packages	To be submitted on both a national and regional basis
	<i>Mobile Telecommunications</i>	N/A	N/A			
	Time interval	Minimum Acceptable Available Bandwidth				
	99% of given period	≥ 50% of purchased bandwidth				
	75% of given period	≥ 75% of purchased bandwidth				
50% of given period	= 100% of purchased bandwidth					

INDICATOR 2.8		MESSAGE SENDING TIME (DELAY TIME)						
MEASUREMENT METHOD	The total number of messages sent within the standard timeframe divided by the total number of service activation requests in a respective period, multiplied by 100%.							
PURPOSE	STANDARDS				DATA REQUIREMENTS OF THE AUTHORISED PROVIDERS			
To ensure that consumers are able to utilise reliable SMS and MMS services with confidence that such will be delivered without undue delay	Authorised provider group		Immediate	Short-Term	Medium Term	Source	Timeframe	Geographical Basis
	<i>Fixed Telecommunications</i>		Not Applicable	Not Applicable	Not Applicable			
	<i>Mobile Telecommunications</i>					Sending and Receiving Terminals	To be calculated on a monthly basis and submitted on a quarterly basis	Need only be submitted on a national basis.
<u>SMS</u>		75% in < 5 mins 95% in < 15 mins 99% in <120 mins 100% in < 24 hrs	75% in < 3 mins 95% in < 10 mins 99% in <90 mins 100% in < 18 hrs	75% in < 1 mins 95% in < 5 mins 99% in <60 mins 100% in < 12hrs				
<u>MMS</u>		75% in < 7 mins 95% in < 20 mins 99% in <120 mins 100% in < 24hrs	75% in < 5 mins 95% in < 15 mins 99% in <90 mins 100% in < 18hrs	75% in < 3 mins 95% in < 5 mins 99% in <60 mins 100% in < 12hrs				

SCHEDULE II

(Regulation 48)

UNENFORCEABLE TERMS IN CUSTOMER CONTRACTS

The following terms shall be unenforceable if included in customer contracts—

1. Any term which would contravene the Unfair Contract Terms Act, Chap. 82:37, the Sale of Goods Act, Chap. 82:30 and the Hire Purchase Act, Chap. 82:33;
2. Any term which on the face of it would impair the customers freedom of choice in services, such as requiring acceptance of a service only if bundled with other services;
3. Any term which would bind the customer even though the realisation of the condition rests solely within the responsibility of the authorised provider;
4. Requiring any customer who fails to fulfil an obligation to pay a sum in compensation that is disproportionately higher than the revenue lost or cost incurred by the authorised provider due to the non-obligation;
5. Permitting the authorised provider to dissolve the contract on a discretionary basis where the same facility is not granted to the customer;
6. Enabling the authorised provider to terminate a contract of indeterminate duration without reasonable notice;
7. Giving less than thirty days to the customer to notify the authorised provider of any wish not to extend the service agreement, in a periodic agreement that foresees the continuity of agreement in the case of absence of notification;
8. Irrevocably binding the customer to terms with which he had no reasonable opportunity of becoming acquainted before the conclusion of the contract;
9. Giving the authorised provider the opportunity of changing the attributes and provisions of services against the customer's interest, except in the cases predefined in the contract terms and conditions;
10. Giving the authorised provider the opportunity to change or deviate from its liabilities without an opportunity for the customer to accept the changes;
11. Giving the authorised provider the exclusive right to determine whether the services supplied are in conformity with the contract, or giving him the exclusive right to interpret any term of the contract;
12. Obliging the customer to fulfil all his obligations in instances where the authorised provider does not perform its obligations;
13. Excluding or hindering the customer's right to take legal action or exercise any other legal remedy, particularly by requiring the customer to take disputes exclusively to arbitration not covered by legal provisions, unduly restricting the evidence available to him or imposing on him a burden of proof which,

