

**Appendix VI: Decisions on Recommendations — *Facilitative Framework for International Mobile Roaming (IMR) for Trinidad and Tobago***

The following summarises the comments and recommendations received from stakeholders on December 15, 2017, as well as the decisions made by the Telecommunications Authority of Trinidad and Tobago (the Authority) and incorporated in the revised *Facilitative Framework for International Mobile Roaming (IMR) for Trinidad and Tobago* (the Framework), dated May 2019.

<b>Document Sub-Section</b>	<b>Submission Made By:</b>	<b>Comments Received</b>	<b>Recommendations Made</b>	<b>TATT's Decisions</b>
<b>General</b>				
General	Digicel	Digicel thanks the Authority for the opportunity to respond to this consultation. We wish to expressly state that failure to address any issue in this response does not in any way constitute acceptance of, consent to or agreement with same.		The Authority shall consult on this Framework in accordance with its <i>Procedures for Consultation in the Telecommunications Sector of Trinidad and Tobago (ver. 2.0, 2010)</i> .
General	Digicel	<p>While the intentions of the Authority in this document appear to be well meaning, the contents of same demonstrate a palpable lack of knowledge about the technical, operational and commercial realities that mobile operators face.</p> <p>The recommendations herein have been imported from Europe without any regard for local conditions, and are either not feasible for various reasons, or altogether impossible.</p> <p>Little to no research has been done into local and regional markets.</p>	The document should be withdrawn and redone after proper research into local market conditions has been conducted.	<p>The Authority has set out the significant local research which was undertaken and which forms the basis of the Framework. For clarification, the Authority administered domestic consumer and operator surveys.</p> <p>The Authority also conducted its own research into operators' publications of IMR tariffs. The research revealed that operators were not publishing, in full, the tariffs associated with roaming</p>

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				<p>services and that customers were still experiencing bill shock. One case of bill shock also received much media attention.</p> <p>The Authority has demonstrated in the Framework that it has conducted the relevant local research.</p> <p>The Authority also rejects Digicel's claim that it has adopted a European approach. As Digicel may be aware, European regulators have been focused on establishing price regulation for mobile roaming services for almost a decade. The Authority has not adopted such pricing measures but, rather, is highlighting the need for consumers to be well aware of tariffs and the terms and conditions of services.</p> <p>The removal of information asymmetries will assist with facilitating a more competitive market via the free market principle. The Authority is, therefore, well balanced in its approach, to ensure that operators are not unduly</p>

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				<p>or disproportionately regulated.</p> <p>Furthermore, all mobile operators are already obligated to provide full information to consumers, pursuant to the existing Concession Agreement.</p>
General	TSTT	<p>TSTT appreciates that TATT has given the opportunity for operators to comment on this matter. International Roaming is a key component of the suite of services in which a Mobile Provider can offer to its customers. TSTT is well aware of the ongoing developments in the market to treat with the customer concern of "bill shock"; a major issue referenced in the Appendices.</p> <p>To this end, TSTT is pleased to have this opportunity by which we can highlight how we have repositioned our International Roaming offer. In particular, TSTT has sought to access more cost-effective agreements with international partners with a view to reducing the roaming tariffs associated with both voice and data carriage. Indeed, in some high traffic markets, TSTT's roaming data rates have been reduced by some 90%.</p> <p>Further, pursuant to TATT's policy positions articulated in its Consumer Rights and Obligations Policy (CROP) in 2014, as well as the draft Consumer Quality of Service (CQoS) Regulations in 2015, TSTT has introduced its Outreach Message Programme, where, upon arriving at destinations, TSTT subscribers receive Welcome Messages informing them of the following :</p>	<p>TSTT reiterates its position that TATT should complete the entire process of Rule and Regulation establishment, before making demanding obligations of the market which are not explicitly outlined in the Concession or Act.</p>	<p>The Authority thanks TSTT for informing of the measures it has taken to reduce the roaming tariffs and empower its customers and is further encouraged that the company has introduced these measures, in part, as a result of the Authority's policy positions articulated in the <i>Consumer Rights and Obligations Policy (CROP)</i>, 2014 and draft <i>Consumer (Quality of Service) Regulations</i>, 2015.</p> <p>The Authority advises that its requirements for operators, as detailed in the Framework, are recommendations, unless already mandated in the Authority's parent or subsidiary legislations. The Authority looks forward to TSTT's continued cooperation and the implementation of</p>

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		<p>a. Preferred Partner in territory;  b. Roaming Advisories (e.g High Data Rates, Tips &amp; Tricks for managing Data usage); and  c. Roaming Rates in visited Market</p> <p>TSTT is not aware of any other Carrier in the region which has taken similar steps to provide information that empowers its customers.</p>		all the requirements.
<b>Section 1</b>				
<p>Introduction</p> <p>1.1 Rationale</p>	Digicel	<p>It is stated that “Trinidad and Tobago worked alongside regional and international member states of the ITU in researching the consumer impact of IMR services...” However, this research was not shared with the industry. The synopsis in Appendix 1 is inadequate. Furthermore, it is noteworthy that the findings of this research is almost one year old. In the past year, the technology landscape would have changed significantly, particularly in respect of the ubiquity of OTT. This document therefore does not take into account the changes in consumer preferences, the improvements in technology and the increasing levels of substitution with OTT services, which would have occurred over the past year.</p>	<p>The research referred to should be provided to operators in its entirety since it seems to form the basis of the recommendations made in the document. This will enable operators to assess the appropriateness of the measures that the Authority is trying to impose on operators, as well as determine the impact of the fact that the information is outdated.</p>	<p>For clarification, the work conducted by the Authority with the International Telecommunication Union (ITU) included the review of the consumer roaming survey, a review of information on the cost analysis tool, and the receipt of information on IMR, as presented by participants of IMR working groups. This information is referenced in the Framework. Furthermore, in 2016, the Authority invited both operators to a meeting to share the findings from the local research.</p> <p>Digicel has claimed that the information is outdated as it is one year old. The Authority advises that it undertook a</p>

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				<p>detailed process of gathering, collating, and analysing consumer and operator information prior to the development of the Framework for public consultation.</p> <p>Included in the consumer survey and the Framework are the Authority's full consideration of relevant market factors such as over-the-top (OTT) services. The Authority noted, in particular, that in spite of the availability of OTT mobile services, mobile roaming is still needed. There are marked differences between OTT-based VoIP calls and fixed voice calls, making fixed voice calls a less substitutable service, especially for certain groups of people. (See section 2.)</p> <p>Furthermore, Figure 5. Q13: concerns stated by roaming users shows that 32% of consumers chose to use alternative data services such as OTTs. Their reasons for doing so are set out in section 4.</p> <p>This Framework encourages the proliferation of full information to</p>

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				consumers so when they use roaming services they are fully aware of all the terms and conditions and prices of operators that apply.
1. Introduction 1.1 Rationale	Digicel	The Authority refers to consumer and operator mobile roaming surveys it has conducted but demonstrates complete disregard for transparency by failing to provide full details of these surveys.	The surveys referred to should be provided to operators in its entirety since it seems to form the basis of the recommendations made in the document. This will enable operators to assess the appropriateness of the measures that the Authority is trying to impose on operators.  Our comments on Section 4 below refer.	The consumer survey has been appended to the Framework (see Appendix III).  Given that both mobile operators would have received the mobile roaming operator survey from the Authority, the Authority saw it as redundant to re-attach same to the Framework.  The mobile operators were also made aware of the consumer survey and were invited to discuss the findings with the Authority prior to the development of this Framework.
1. Introduction 1.3 Objective	Digicel	Despite the stated objectives, there is very little analysis of survey information, and the surveys themselves are deficient and outdated. There is almost no research into local operational and technical conditions. All the Authority has done is impose copycat measures based on superficial research into practices in other countries, which bear no similarity to Trinidad and Tobago	This document is grossly deficient when measured against its stated objectives and should be withdrawn	Digicel has provided no analysis or evidence to support its rejection of this document and has, therefore, failed to identify the ways in which the surveys are deficient.

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				<p>Digicel has stated that the Authority has used “superficial research” and adopted a “copycat” approach. The Authority does not agree with these claims. The Authority undertook significant local research, not just with local consumers but also via operators’ websites, publications and usage information.</p> <p>The Authority utilised a mixed methodology consisting of: a consumer survey (gathering of qualitative and quantitative data); content analysis of consumer complaints lodged with service providers; an examination of IMR-pricing schedules and consumer information; and an operator survey. Furthermore, the Authority zeroed in on roaming and potential roaming users by surveying persons at the departure lounges of the national airports. The Authority deployed a considerable amount of resources to this endeavour. Additionally, as far back as 2013, the Authority has been conducting reviews of operators’ websites in its general daily work activities, and website publications of tariffs by operators.</p>

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<b>Section 2</b>				
2 Overview of IMR Regulations	Digicel	Reference is made to a grossly outdated ITU online tool to assess the costs of the provision of roaming services	Given the stated objectives of this document, the Authority is asked to clarify the relevance of this reference.	<p>The roaming online tool was designed by the ITU to help forecast the cost of IMR voice calls compared to domestic mobile voice calls<sup>1</sup>. This tool was launched in 2015<sup>2</sup>, so the Authority does not agree that it is grossly outdated. The tool was referenced in the document as a source of international regulatory advice, which underscores the point that IMR continues to be a contemporary regulatory issue.</p> <p>Pursuant to the Authority's role, and in the exercise of its functions, the Authority is required to take into account any applicable international standards, conventions and other agreements. Consequently, the ITU, of which the Authority is a Sector Member due to "the convention" (see the Telecommunications Act, Chap. 47:31), is well positioned to provide reference</p>

<sup>1</sup> <https://www.itu.int/net4/roamingtool/>

<sup>2</sup> [https://www.itu.int/net/pressoffice/press\\_releases/2015/63.aspx](https://www.itu.int/net/pressoffice/press_releases/2015/63.aspx)

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				material and source information.
<b>Section 3</b>				
3 Regional and International Remedies to IMR Concerns	Digicel	Despite the heading of this section, there is no “regional” information presented. Instead, the Authority selectively focuses on Europe, Australia, Oman and Singapore.	The Authority is asked to provide a detailed analysis of remedies employed in the Caribbean region. The absence of this information is a serious flaw and must be rectified.	<p>The Authority considers that it has spearheaded the regional effort in terms of seeking to reduce the information asymmetries between consumers and operators in relation to international mobile roaming services. Comprehensive local research treating with the issue of IMR was undertaken and it is on this basis that the Framework and its remedies have been developed.</p> <p>The Authority has updated the Framework to remove the “Regional” reference.</p>
3. Regional and International Remedies to IMR Concerns	Digicel	The Authority has included examples of price regulation in roaming, but the relevance of this information is unclear.	Given the stated objectives of this document, the Authority is asked to clarify the relevance of price regulation of roaming in Europe. Is the Authority suggesting this should be done in the Caribbean? What is the usefulness of this example?	<p>In section 3 of the Framework, the Authority identified the approach taken by various regulators in addressing IMR concerns. Specifically, the Authority highlighted the following:</p> <ul style="list-style-type: none"> <li>i. Some policy makers regulate the</li> </ul>

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				<p>prices of IMR services.</p> <ul style="list-style-type: none"> <li>ii. Some policy makers recognise that greater transparency can help protect consumers from bill shock, by providing them with the information needed to use IMR in a more informed way.</li> <li>iii. Some policy makers view effective competition as a long-term solution to high prices, recommending policy initiatives that change the structure of the wholesale IMR market.</li> </ul> <p>In the Framework, the Authority has also been very proportionate in its recommendations, by assessing the issues and recommending a focus on consumer empowerment initiatives as the desired approach towards facilitating effective consumer decision making and, by extension, increased competition for IMR services.</p> <p>Should the Authority, at some future date, deem that price regulation is</p>

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				<p>necessary and proportionate to a competitive issue related to IMR, the industry will be consulted, in accordance with the Authority's established consultation procedures.</p> <p>Where there is need for measures beyond those prescribed in this Framework, the Authority will take those measures, in consultation with all stakeholders.</p>
3. Regional and International Remedies to IMR Concerns	Digicel	None	The Authority is asked to provide clarification of the text in footnote 10	The Authority thanks Digicel for bringing this to our attention and apologises for any inconveniences caused. The footnote has been edited to remove the inapplicable text.
<b>Section 4</b>				
4. Basis of IMR Framework for Trinidad and Tobago	Digicel	<p>This section is poorly researched and deficient in several ways.</p> <p>The Consumer survey is over a year old and was conducted over a brief period. There is no information on local or international market conditions at that time, so it is unclear whether there were any intervening factors such network outages which would have compromised the integrity of the</p>	<p>The Authority does not adequately justify its findings and the basis of the measures it is attempting to foist on operators.</p> <p>This document should be withdrawn and proper research into the local and regional markets should be conducted.</p>	<p>The findings of this Framework are based on sound local research and, therefore, sufficiently justified.</p> <p>The Authority utilised a mixed methodology consisting of: a consumer</p>

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		<p>information. The response data provided in the Appendix also does not properly map back to the actual survey questions, thereby limiting its usefulness.</p> <p>The information provided about the operator survey is also minimal.</p>		<p>survey (gathering of qualitative and quantitative data); content analysis of consumer complaints lodged with service providers; an examination of IMR-pricing schedules and consumer information; and an operator survey. Furthermore, the Authority zeroed in on roaming and potential roaming users, by surveying persons at the departure lounges of the two national airports. The Authority deployed a considerable amount of resources to this endeavour. Additionally, as far back as 2013, the Authority, in its general daily work activities, has been conducting reviews of operators' websites and website publications of tariffs by operators.</p> <p>The Authority is unable to address Digicel's request for "proper research into local and regional markets", as Digicel has failed to provide any evidence to substantiate its claim and objection.</p>

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4. Basis of IMR Framework for Trinidad and Tobago	Digicel	The Authority makes 2 conclusions about the IMR market in Trinidad and Tobago, one of which is that there is low uptake. It then makes simplistic assumptions about the reason for this, but completely disregards the impact of OTT services on IMR uptake	<p>The Authority's failure to conduct proper research into the impact of OTT's on IMR compromises the integrity of its "findings"</p> <p>This document should be withdrawn and proper research into the local and regional markets should be conducted.</p>	<p>The conclusions derived by the Authority were based on the consumer survey. Mobile operators were also invited to review these findings prior to the development of the Framework.</p> <p>The Authority has also included the issue of OTTs in the survey tool as well as in the Framework.</p> <p>In particular, the Authority noted that, in spite of the availability of OTT mobile services, traditional mobile roaming is still needed. There are marked differences between OTT-based VoIP calls and fixed voice calls, making fixed voice calls a less substitutable service, especially for certain groups of people. (See section 2.)</p>
<b>Section 5</b>				
5. IMR Framework Remedies Tariffs 1 b	Digicel	The Authority is requiring that rates are published inclusive of VAT. This is consistent with a directive given by the Authority some time ago in relation to all published prices. Digicel currently does this, but notes that the Authority chooses to turn a blind eye to the operators who do not	The Authority needs to focus on taking enforcement action against operators who do not comply with this existing requirement	The Authority assures Digicel that it has not chosen "to turn a blind eye to the operators who do not comply with this requirement." In fact, the Authority

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		comply with this requirement.		<p>continues to encourage all operators to publish full and transparent information to customers, in accordance with their existing concession obligations. To this end, on the issue of VAT-inclusive prices, though not a specific requirement contained in the Concession Agreement, the Authority's records indicate that VAT-inclusive prices are currently predominantly published.</p> <p>The Authority will continue to act proportionately with all stakeholders, in accordance with the existing legal framework.</p>
Tariffs 1 c	Digicel	The Authority is requiring that "explanations" should be provided to customers	The Authority is asked to clarify what is meant by "explanations"	<p>Item 1 c) under Tariffs states:</p> <p>"The structure and billing unit of IMR retail rates shall be made available to customers before they roam internationally. Such rates shall be published on operators' websites and made available in-store and via operators' customer telephony services. Customer service representatives shall also provide explanations to customers, upon request."</p>

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				<p>With respect to explanations, the Authority requires that trained staff (either in-store or via telephone or online support) be able to explain the structure and billing unit of IMR retail rates if customers have further queries.</p> <p>The Framework has been amended accordingly to provide this clarification.</p>
Tariffs 1 d	Digicel	Automatic roaming caps is not possible for all destinations, as certain roaming partners do not provide charging information in real time	This requirement should be deleted.	<p>The Authority takes note of Digicel's concern with its roaming partners' provision of billing information.</p> <p>It is the Authority's recommendation that billing information in real time be negotiated with roaming partners in order to protect consumers.</p> <p>Notwithstanding any time lag in the availability of billing information from certain roaming partners for certain destinations, it is necessary that roaming caps, either prescribed (as recommended by the service provider) or predetermined (as specified by the</p>

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				<p>customer) level, are implemented by operators.</p> <p>In instances of billing time lags, customers should receive alerts when charges are approaching the user's limit in accordance with 4(b), "Recommended Measures to Ensure Transparency and Consumer Empowerment" in the revised Framework.</p>
Tariffs 1 e	Digicel	The roaming rate table template uses classifications of destinations such as "premium" without any definition or context.	The Authority is asked to indicate the source of this template as well as the justification for its use. Definitions of terms used should also be provided	The Authority has updated the Framework accordingly to indicate that the source of this template was information collected from local operators' websites. This template was considered comprehensive in nature vis-à-vis the presentation of information to consumers. For greater clarification, the Authority is amenable to reviewing and approving any further recommendations by operators in relation to the proposed table.

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International Carrier Information	Digicel	<p>The requirements that the Authority is seeking to impose in terms of international carrier information are not feasible. It is unclear what is meant by “calling zones” and a list of all carrier names is simply not available. An operator can only confirm the availability of roaming with a partner network.</p> <p>The requirement that a local operator must provide network information about all international networks is illogical and not feasible</p>	This requirement should be deleted.	<p>The Authority takes note of Digicel’s comment and, based on this information, has revised the Framework to remove the reference to calling zones, and now specifies that the local operator should provide confirmation on the availability of roaming with its partner network(s).</p> <p>This requirement now reads, “Operators should indicate, via publication, the availability of roaming with its named-partner network(s) in the roaming location, including tariffs.”</p>
Consumer Alerts and Warnings 3 a	Digicel	Welcome SMS are currently sent for all destinations. However, due to character constraints and other limitations of SMS, it is quite simply not sensible to also include warnings about higher prices and other instructions in an SMS	This requirement should be deleted.	<p>The Authority takes note of the constraints and objection to issuing warnings about higher prices and other instructions in an SMS.</p> <p>The operator has the option of sending more than one SMS to treat with the required transparency measure for consumers.</p>

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Consumer Alerts and Warnings 3 b	Digicel	This is not always possible as some roaming partners do not send charging information in real time.	This requirement should be deleted.	<p>The Authority takes note of Digicel's concern with its roaming partners' provision of billing information.</p> <p>It is the Authority's recommendation that billing information in real time should be negotiated with roaming partners.</p>
Consumer Alerts and Warnings 3 c	Digicel	There are many variables which impact on inadvertent roaming charges and data background charges. The requirements being imposed by this section are illogical and unnecessarily onerous.	This requirement should be deleted.	<p>The Authority has specifically advised that the practical information for avoiding inadvertent roaming charges, such as background data charges, shall be published to users, in accordance with existing obligations as set out under Concession Conditions C3 and C4 of the Concession Agreement for the provision of public telecommunications services.</p> <p>Consequently, this information shall be maintained on operators' websites and/or places of business.</p>

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Section 5 IMR Framework Remedies	TSTT	<p>TSTT remains confused by what these policy statements are proposing that is not already provided for in the Concession or in draft policy positions already published by TATT.</p> <p>As examples, the requirement that:</p> <p><i>"a) All rates shall be published in TT dollars.</i>  <i>b) All rates shall be published inclusive of VA T.</i>  <i>c) The structure and billing unit of IMR retail rates shall be made available to customers before they roam internationally."</i></p> <p>These are consistent with existing provisions C3 and C4 of the Concession or Operation as well as provisions of TA TT's ongoing consultation for a Price Regulatory Regime.</p> <p>Similarly, the proposals:</p> <p><i>"2. International Carrier Information a) Details, including locations and carrier names within all calling zones shall be provided . . . etc.</i></p> <p><i>3. Customer Alerts and Warnings</i>  <i>a) Alerts shall be issued via SMS or other electronic means when roaming. Such alerts must include notices or warnings) that higher prices may apply, and instructions on how to obtain further information and access information on usage and expenses incurred. ... etc."</i></p> <p>are elaborations on policy positions already articulated by TA TT that await action from TATT for their inclusion in the wider regulatory framework. TSTT points T A TT to its</p>	<p>TSTT is requesting clarity as to why, this document seeks to repeat policy positions already provided for in conditions C3 and C4 of the Concession, or elaborated upon in the as yet incomplete consultation and rule making on a Price Regulatory Framework and associated Price Regulations</p> <p>TSTT is requesting clarity as to why this document seeks to repeat policy positions already articulated by TA TT in CROP (2014) and the draft COoS Regulations (2015).</p>	<p>The Authority thanks TSTT for its observations and agrees that many of the provisions are consistent with existing requirements of the Concession and the CROP document.</p> <p>However, IMR issues such as bill shock continue to be prevalent. One particular issue of roaming bill shock even gained national media coverage in Trinidad and Tobago in 2017. Thus, for the reasons set out in the Framework, the Authority sees it prudent to specifically address the consumer-related issues associated with this service which have been built upon the provisions in the CROP document.</p> <p>These specific requirements developed on IMR are aimed at bringing standardisation between the two mobile operators with respect to the information published and shared with their customers, so that consumer issues are addressed.</p>

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		previous policy statements in CROP 2014:		
Section 5 IMR Framework Remedies continued ...	TSTT	<p>"8 ... <i>Authorised providers shall provide free-of-charge, transparent, up to-date and accurate information to customers of telecommunications services, <b>including customers roaming domestically or internationally</b>, relating to the cost of such services, emergency service contact information, and such other information as prescribed by the Authority. "</i></p> <p>This policy statement found form in the draft COOS Regulations published by TATT in 2015 as below:</p> <p><i>"20. (5) Authorised providers shall provide transparent, up-to-date and accurate information free-of-charge to customers of telecommunications services, relating to the cost of services, emergency service contact information, and any other information as required by the Authority and for customers roaming domestically and internationally</i></p> <p><i>(a) the home service provider of the customer shall inform the customer in a timely manner of rates associated with roaming services when accessed by the customer;</i></p> <p><i>(b) the serving service provider shall inform the customer of the contact numbers for emergency services, in a timely manner and free of charge. "</i></p>	TSTT reiterates that T A TT should discontinue any approach where it seeks to make rules or prescribe obligations of persons outside of the lawful framework or Regulation ratification through the Legislature.	<p>The Authority advises that its requirements for operators, as detailed in the Framework, are recommendations, unless already mandated in the Authority's parent or subsidiary legislations. The Authority has amended the document accordingly and looks forward to TSTT's continued cooperation and the implementation of all the requirements.</p> <p>The Authority further clarifies that the recommendations put forward by this Framework are applicable to all providers of IMR services.</p>

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		<p>TSTT notes that TATT has previously, and correctly, indicated that the appropriate mechanism for these obligations to acquire the force of law, is not through the mere publication of position papers -as done in this instance -but through the completion of Regulations, and the passage of those Regulations through Parliament. Indeed, without the completion of these steps, none of these obligations would be enforceable.</p> <p>Noting that the relevant Policy Framework and Regulations have been completed since September 2014 and November 2015 respectively, we seek further clarification as to the completion of this process so that we can be assured that these obligations are not only borne by TSTT, but are instead equally applicable to all parties in the marketplace.</p>		
Appendix 3- 5	TSTT	<p>TSTT notes the survey instruments and the preliminary analysis completed on the primary information so compiled. TSTT believes that there is significant merit in sharing this analysis, if not the primary information, for the consumption of market participants with a view to developing a more comprehensive appreciation of the drivers which affect market development.</p> <p>However, TSTT also believes that such sharing need not be accompanied by lengthy, repetitive discourses on policy positions already agreed to by the market, when, what is required next is for TATT to pursue its statutory responsibility of completing the Regulatory Framework and enshrining same in Statute.</p>		<p>TSTT is asked to note that the Authority has amended, and consulted on the amendments to, its parent legislation and is currently awaiting its finalisation and passage through Parliament — a process the Authority has no control over. However, once that process is completed, it is the Authority's intention to incorporate the finalised amendments into its regulations, including but not limited to, pricing.</p>

