

Decisions on Recommendations for Draft Consumer Rights and Obligations Policy V0.3

The following summarizes the comments and recommendations made by the public at public fora as well as those submitted by Industry Stakeholders on the Authority's Draft Consumer Rights and Obligations Policy, and the decisions made by TATT. Consultations on Version 0.3 of this Draft Policy were held with these public stakeholders between May 25th and July 22nd 2011.

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GENERAL				
General	TSTT	<p>Telecommunications Services of Trinidad and Tobago (TSTT) Ltd, welcomes the opportunity to participate further in the consultation process on the (Draft) Consumer Rights and Obligations Policy for Trinidad and Tobago.</p> <p>TSTT reiterates that since liberalization, the local telecommunications market has demonstrated a distinct level of self-regulation, thus TSTT is of the view that many of the ex-ante recommendations which are being proposed herein, are not necessary and the Authority should lean to ex post regulation where regulatory intervention should be reserved for instances of obvious market failure.</p> <p>TSTT formally registers its serious concerns about the quality of this 3rd Round Consultation document. As will be demonstrated repeatedly in this response, the Authority has failed to make the agreed amendments pursuant to the 2nd Round of Consultation. We are unclear as to the reason for this and therefore call upon the Authority to effect the agreed amendments accordingly and conduct a properly constituted 4th</p>	<p>TSTT again cautions against over-regulation of the market and suggests a light-handed approach to allow the market to discipline itself.</p> <p>The Authority should engage in a comprehensive review and redraft of the policy document accordingly in line with the DoRs from the 2nd Round Consultation. In the circumstances it is therefore incumbent on the Authority in the</p>	<p>The approach undertaken by the Authority to set baseline standards for meeting Quality of Service. We do not consider this to be heavy-handed. The Authority is of the opinion that the approach proposed is light handed, as it will mainly trigger regulatory action where market forces fail to have the desired effect of encouraging improved customer service.</p> <p>Noted. The Authority regrets the cited concerns and has indeed engaged upon a 4th round of consultation. It is anticipated that the fourth consultation round presents a document that better defines the agreements of the prior rounds as well as considered recommendations from the last round.</p>

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		<p>consultation round.</p> <p>TSTT has noted the numerous standards and timeframes being proposed by the Authority without evidence of concomitant impact assessments having been conducted. The Authority is guided to Ofcom which states:</p> <p><i>“Impact assessments provide a valuable way of assessing different options for regulation and showing why the preferred option was chosen. They form part of best practice policy-making...generally Ofcom has to carry out impact assessments where its proposals would be likely to have a significant effect on businesses or the general public... However, as a matter of policy Ofcom is committed to carrying out and publishing impact assessments in relation to the great majority of its policy decision ... and will seek to engage with stakeholders at an early stage”.</i></p> <p>Needless to say that it is strongly recommended that the Authority follow this example. For further information about Ofcom’s approach to impact assessments the Authority is referred to the Ofcom guidelines, <i>“Better policy-making: Ofcom’s approach to impact assessment”</i> : http://www.ofcom.org.uk/consult/policy_making/guidelines.pdf</p> <p>The need for adequate assessment of the market to inform</p>	<p>interest of transparency and good process to conduct a fourth (4th) consultation round.</p> <p>“Impact Assessments form a key part of the policy-making process and provide a transparent way of considering different options for regulation, including “not regulating” (Ofcom). In this regard, TSTT thus strongly recommends that the Authority consider adopting a similar approach</p>	<p>The Authority agrees in principle with the position of undertaking impact assessments. Indeed, the consultative process – undertaken in accordance with Section 78 of the Act (Chap 47:31) - is a key component of such a process in the local context; it is anticipated that stakeholders would explicitly identify which aspect of a given policy proposal is cost-ineffective to guide further deliberation by the Authority.</p> <p>Without such cooperation throughout the consultation process, the person ultimately affected is the service provider, as the Authority would be without key information to guide its decision-making.</p>

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		<p>practical decision making is further illustrated in the recent case of ECTEL regarding the its decision not to implement Number Portability(NP) in the pre-paid market despite the fact that this market represented the majority of the mobile customer base, whereby this regulator stated “Imposing a requirement of NP for pre-paid customers therefore, without clearly establishing the parameters for porting, could potentially give rise to significant costs for providers” see “Consultation on Policy Recommendations for the Adoption of Number Portability in ECTEL States Consultation Document /N0. June 22nd, 2011” and “Report on the Use of Information and Communication Technology by Small and Medium Enterprises in the ECTEL Member States , ECTEL (2009,)” available at www.ectel.int.</p>		Noted.
		<p>TSTT again contends that the Authority’s attempt to distinguish between a “Consumer” and a “Customer” is misleading, confusing, unreasonable and purports to impose greater obligations on the provider than the law actually permits. In relation to the definitions of both “consumers” and “customers” outlined in the draft document TSTT understands this to mean that “consumers” speak to the general case while “customers” relate to the specific (the purchaser or subscriber). While TSTT recognises some attempt by the Authority to identify and clarify the use of “consumer” and “customer” in the Table at pg.13, it is apparent that even the Authority confuses the use of its own terms.</p> <p>Further, TSTT observes that the Authority has attempted to</p>	<p>Revert to definition in the Telecommunications Act since to do otherwise is to act <i>ultra vires</i> of said Act.</p> <p>Amend according to the Act.</p> <p>Retain obligation as stated in the Concession i.e. “Customer Charter”</p>	Noted. TSTT’s interpretation of the difference between the terms is accurate The Authority has considered TSTT’s interventions in the regard in this and prior consultation responses. The document has been amended to clarify the uses of the terms “customer” and “consumer.”

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		<p>amend the Concession's provision for a "Customer Charter" to read "Consumer Charter". This is dealt with further below.</p>		
	<p>Richard Hamill Smith: Lopinot</p>	<p>There is a basic Internet speed in the document that is 512 kilobits and it raises the question as to why we have arrived at 512 kilobits, the standard in Europe is around 10Mbits. What is the differences between Trinidad and Europe, the distances are further in Europe than Trinidad which is only 40 miles by 50 miles, and one would understand that distance might be a concern in providing signal, but it seems that even 40 miles by 50 miles is too much for the signals in Trinidad, because we are restricted to a basic right of 512 kilobits which is very slow. Why is the speed for broadband services only 512k? This is not the practice in more developed countries; the speed is higher.</p>		<p>These matters are more appropriately addressed in the Universal Service Framework.</p> <p>In summary, the "basic" telecommunications service, when defined in law, has to reflect either the entry-level service offered in the market or at least reflect the capability of the most widespread form of telecommunications. In the latter instance, the most widespread form of telecommunications in Trinidad and Tobago the mobile GSM standard. The maximum data throughput of a GSM Network upgraded to provide EDGE services is approximately 244kbps. Similarly on the fixed side, TSTT's fixed telecoms infrastructure varies significantly from what pertains in Europe due to the differences in demographic, population densities, urban planning and age of assets. These combine to make the nationwide provision of super broadband services (+10Mbps) a different</p>

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		<p>The Universality fund exists for the purpose of providing access to services in those areas which may not be commercially profitable to do so. <i>Why is this fund not being used to provide Internet service to Lopinot.</i> Lopinot consists not only of Lopinot, but Surrey Village, which is on the way to Lopinot, Lopinot settlement itself and La Pastora which is beyond Lopinot. <i>None of those areas have access to broadband service,</i> although some have been able to use “Blink on the go”, but the</p>	<p>Why is the Universal Service Fund not being used to provide broadband Internet access in Lopinot?</p>	<p>prospect that that experienced in more concentrated markets.</p> <p>The common, market available commercial product in some European jurisdictions does indeed exceed 10Mbps. These countries do have deployed WCDMA HSPA+ networks in conjunction with widespread GPON deployment in the fixed networks to make such a reality. This is not yet the case in Trinidad and Tobago, while it would like to be encouraged.</p> <p>In determining regulatory policy, there must be a balance between what would like to be achieved and what can be achieved without causing undue market distortion. It is in attempting to meet this balance that the definition in the Universal Service Framework has been revised.</p> <p>It is the Authority's understanding that the provision of Internet Services has improved somewhat since this comment has been made.</p> <p>Notwithstanding same, the Universal Service Regulations, which will facilitate the disbursement of funds from the Universal</p>

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		<p>signal disappears past Surrey Village. There is a wireless kiosk providing landline service but not internet service.</p>	<p>Verbal complaints made to TSTT are not recorded as "received" (tangible evidence). Why is a formal receipt not given as a verbal complaint and why is this not formally recorded? TATT's procedure for submitting a complaint requires one to fill it out as opposed to orally complaining. Why is the oral complaint not given as much priority as a written complaint? The oral complaint must have as much weight as the written complaint.</p>	<p>Service Fund are being finalized for its introduction to, and subsequent passage through, the Parliament. Until such time the Universal Service Fund cannot be accessed.</p> <p>It is not accurate to say that TATT's complaint process requires the completion of a physical form. Indeed, the most common and preferred method of lodging complaints with TATT is via its toll-free number 800-TATT.</p> <p>With respect to service providers, this recommendation is surprising as TATT is aware of the use of call-centres by most major service providers to field calls and address concerns, including TSTT.</p> <p>In any instance, this remains a matter which is addressed in CROP. The main concern revolves around striking the appropriate balance between consumer convenience, and the risk of the service provider in the accurate recording of the verbal complaint.</p> <p>The Consumer Complaints Committee of TATT will note this concern and seek to raise this to the service providers at the soonest opportunity.</p>

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	Mr. A. Alfonso (Santa Cruz)	Santa Cruz experienced identical problems to Lopinot.		Noted. The Authority's responses above also apply.
	Tobago	There is no significant coverage of mobile Internet in Tobago.		Noted. This matter will be considered as an aspect of the roll-out obligations of concessionaires.
	Mr. Nigel Cassimire: (CTU)	The protection of consumers' with regards to health and safety is not addressed in the draft document. We have to ensure that consumers are protected when installing CPE as well as exposure to radiation.		All radio transmitting CPE equipment to be used by SPs require type approval from TATT. The Authority also seeks to ensure that the maximum permissible exposure limits, as defined by the Authority ¹ , are not exceeded.
	Ms. Gloria Joseph	Concern that not many people have attended the consultations. The time is not appropriate.	NPTA could invite them to the next meeting where they can get feedback.	Noted.
	Public	1. Bmobile has been operating in Trinidad and Tobago for years; therefore they should be providing a high quality of service.		Noted. While not commenting on the quality of service of the service provider specified, it is due to the customer's expectation of a high quality service, that the Authority proposes the establishment of minimum Customer Quality of Service Standards.
		2. Cell tower radiation hazards: The cancer causing problems by cell towers; there are cell towers in close proximity to		The Authority seeks to ensure that the maximum permissible exposure limits, as

¹ *Interim Maximum Permissible Exposure Limits for Radiofrequency Radiation in Trinidad and Tobago*

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		each other. Educate the public on the results of investigations on potential health and safety issues (cancer) caused by radiation from cell towers. Proliferation of cell towers. How does TATT deal with this?		defined by the Authority, are not exceeded. The Authority publishes RFR reports so as to notify the public that such RF exposure is within scientifically accepted tolerances.
		3. There is no identification of which Service Provider the cell towers belong to (Digicel or Bmobile). In other countries, they would have investigated the matter. We need to do our own investigation and publish the results.		There is no matter for investigation. The Authority is aware of the owner/ operator of all towers and radio frequency transmitting arrays in Trinidad and Tobago.
		4. Cell tower radiation levels have been published in the newspapers. Do we carry out surveys to ensure that there is good mobile coverage/reception and Quality of Service throughout the country?		Yes, the Authority from time to time performs such surveys. While there are key performance indicators to which the service providers must adhere in their Concession, among the objectives of this consultation is to have such minimum performance standards enshrined in Regulations.
		5. Appreciation is shown to the Service Providers for providing free Internet services to the schools. Service Providers should provide wireless Internet access to the schools. We should implement e-education so students can do exams online.		ICT applications such as “e-education” are outside the scope of the Authority’s statutory remit. Such is under the remit of the Ministry of Education.
		6. What compensation or what can Service Providers do in the interim to facilitate a customer from being without service for 48 hours?		It is to facilitate the identification of such “black outs” and ensure that such occurrences are limited that prompts the Authority’s consideration of the CROP framework.

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		7. What can TATT do about local advertising on foreign stations? This should be included in the CROP document.		<p>This is generally outside the purview of the Authority's statutory remit. Such a practice is pursuant to the commercial content agreements between the local re-transmitter of the signal and the rights holder of the signal.</p> <p>The Authority may only intervene if it has reason to believe that the practice is being implemented without the appropriate authorization of the rights holder of the signal.</p>
		8. Having credit card identity stolen.		<p>This problem is outside the remit of the Authority's statutory function. This matter is addressed in statute by the Electronic Funds Transfer Crime Act of 2000, for which the responsible agency is the Trinidad and Tobago Police Service.</p>
		9. We need a policy of Internet activities.		<p>The term "Internet activities" is extremely broad, and the development of such a policy would first require a more precise interpretation of its scope.</p> <p>Generally, outside of regulatory oversight of the provision of Internet access to the public by authorized service providers, "Internet activities" are outside of the statutory remit of the Authority.</p>

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		10. The fee is too high for a business line for fixed, Internet.		Noted. However, this is not an issue for CROP.
		11. Harassment text messages from persons. How does TATT deal with this?		This is a matter for the Trinidad and Tobago Police Service. The Authority only has jurisdiction over unsolicited communications to customers from Service Providers.
		12. Fixed line customers receive bills for calls that they have never made and eventually their phones are cut. What can TATT do?		The customer, on suspecting that such an incident has occurred, should initiate a dispute with the Service Provider in accordance with their procedures for consumer complaints handling. If the customer is still dissatisfied after this process, the consumer has the right to seek protection under Section 24 (1)(i) of the Act.
		13. Representatives from Service Providers should be dressed or provide identification so that a customer can recognize them. For example, if someone comes from FLOW to my home, he should have identification showing he is representing the Service Provider.		While this is a laudable comment, requiring such from Service Providers is outside the Authority's statutory powers. It is good practice to request identification from any representative prior to allowing entry into one's resident.
		14. [RE: Interception of Communication] Why did TATT not make a public statement on what was happening? Is the legislative intact to protect consumers? There is a major issue especially with the Freedom of Information Act and the type of equipment being used by		The Authority is in no way involved in the process associated with any interception of communications. Provisions relating to protecting the general public are outlined in the Interception of

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		the State. How can TATT intervene to protect consumer rights?		Communications Act, 2011.
		15. Will the consumer still be protected under the 1985 Consumer Act/Bill?		<p>The Consumer Act will protect persons in transactions with respect to goods and equipment which may or may not be related to telecommunications.</p> <p>On the enactment of appropriate Regulations, both the Regulations and the Consumer Protection Act will work in tandem, such that CROP/ CQoS Regulations will protect consumers and customers with respect to the provision of telecommunications services.</p>
		16. SPs in the US have developed a framework to meet QoS. Maybe TATT can consider this?		<p>The Authority has already considered many of such frameworks in the development of the CROP/ CQoS framework and the draft Network QoS regulations.</p> <p>Over time, the Authority will periodically review the performance of sector participants in maintaining and exceeding these minimum QoS requirements, and determine appropriate modifications to the framework as may become necessary.</p>
		17. British Parliament was debating the press hacking into the phones and computers of the public. Do we have a		Indeed, situations like these would fall under the provisions of the Interception of

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		legislation to prevent this?		Communications Act, 2011. The Authority has no jurisdiction with the implementation of that Act.
		18. The SPs should publish reports on their QoS to the public.		Noted. It is the Authority's proposal that with the enactment of the CQoS, the Authority itself would ensure such reports are published in the future. The Authority will also endeavor the Service Providers to do the same.
		19. Does CROP have a process so that evidence could stand up in court when it comes to protecting the consumers?		Yes. The information collected by the Authority pursuant to the provisions of the CQoS Framework would be used to make determinations on Service Provider performance which would form the basis of any legal proceedings via the Regulatory Framework.
		20. Can we through moral-suasion provide help to differently-abled people so that SPs can provide help to the differently-abled people?		Yes. The Authority has included such considerations within the Universal Service framework.
		21. Is there enough capacity by Internet SPs to supply Internet to schools?		Yes.
		22. TATT needs to draw upon international standards and policies when drafting policies. The Consumer Act has first adopted Moral Suasion and thus Consumer Division could not implement or take action. This should not happen with		The Authority's policies are based on International Standards.

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		CROP.		CROP is in the first stage of creating its Regulations which will have the force of law. "Moral suasion" will not be an issue.
		<p>23. TATT's documents should be reviewed every three years.</p> <p>Why has the Act, CROP and regulations not been implemented?</p>	A clause should be put in the CROP to reflect this.	<p>Noted. The documents are continuously under review, and amendments will be recommended as and when required.</p> <p>The Act has been implemented. CROP, with its associated Regulations, when passed by Parliament, will be implemented.</p>
		24. The quality of programming and reporting where persons are accused of wrongdoing (Ian Alleyne). How can we improve this?		Broadcast Complaints will be covered in the Broadcast Code.
	Rotary Club Chaguanas	1. The Policy document has the words "shall" and "should". To what extent does TATT ensure that SPs provide services to meet the expectations of the public?		<p>The Authority shall undertake a variety of monitoring activities, from Surveys to technical audits, to facilitate adequate monitoring of Service Provider performance in accordance with this Framework.</p> <p>As regulations will be legally binding on the Service Providers, through such monitoring and associated compliance action the Authority can ensure that Service Providers are meeting minimum service standards.</p> <p>Consistent breach of any regulation would warrant recourse pursuant to such regulation as well as the Telecommunications Act.</p>
	Mr. Cagney	Installation: When a Service Provider comes to install a service,		Noted. The Authority shall seek to impress

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	Casimire	they should give the customer a contact number for the Service Provider and for TATT in case they are not satisfied with the service.		upon the Service Providers the benefits of such.
		New services which are launched: Service Providers sometimes when installing services knock holes in people's walls. The Customer Service Representative should inform customers of <i>potential damage</i> to their property which can occur to facilitate installation before that installation.		Noted. The Authority shall seek to impress upon the Service Providers the benefits of such.
		Piloting of Service: The SPs should be asked to pilot the new service and get feedback before launching the service nationally.		Noted. While this is a laudable comment, requiring such from Service Providers is outside the Authority's statutory powers.
	Trinidad and Tobago Express	1. How can people switch networks without switching numbers? Is it feasible to keep my mobile number if I change my Service Provider?		Consumers can switch networks without switching numbers by using a service called "Number Portability". The Authority is well on the way to ensuring Number Portability is introduced in the domestic landscape.
		2. What penalties can be implemented when there are breaches to the CROP? What penalties for SPs who neglect proposals?		CROP will be converted into regulations and these will specify all penalties for breaches, which will be in accordance with that enabled by the Act.
	Ms. Carol Sankar	1. We do not get 99.9 % coverage by SPs especially by Bmobile. If consumers cannot get coverage, who do we complain to?		First, the person should complain to the service provider. If there is no resolution at that time, the customer may then complain to the Authority.

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				<p>To note: this is an issue related to Universal Service and the roll-out obligations of mobile service providers which are addressed in their respective frameworks.</p>
		<p>2. The call drop rate in CROP is still high; 4% call drop rate is high on an individual basis. How does TATT address dropped calls and what recourse do people have? How does TATT collect data about dropped calls? What does network drop calls mean?</p>		<p>The Call drop rate (and any other metric identified) is based on a rate network wide, and not on an individual basis. Accordingly, in a test period, while across the entire network there may be a reported drop call rate of 4%, most individuals on the network will experience a call drop rate which varies from that benchmark, usually less than such, depending on their specific usage patterns and locations of use.</p> <p>The Authority monitors performance of the concessionaires' networks from time to time. Where performance metrics are consistently not met, the service providers will be required to address the matter in lieu of being subject to penalties, as proposed in this Framework</p> <p>There are methodologies of network testing utilized within the profession which will facilitate the Authority collecting the relevant data for these tests.</p>

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		<p>3. Two days is a long period of time to go without service. People rely on phone service as their bread and butter. Can persons or businesses seek redress on this downtime? Fault repair time should be shorter. There should be a procedure for SPs to repair faulty services. Also, if a phone stops working, can the Service Provider provide another handset while your phone is being repaired?</p>		<p>Noted. However, the key performance indicator is based on the realistic external factors which would face a service provider in achieving the identified target.</p> <p>Currently, the Authority cannot mandate rebates to consumers for such downtime. Service Providers may consider such however as part of the Complaint Resolution Process, which happens from time to time.</p> <p>Service Providers do have internal procedures to address faults, which should be in keeping with Key Performance Indicators.</p> <p>The question of the service provider providing a temporary replacement handset is a matter of commercial customer satisfaction programmes and the Authority believes such discretion should not be subject to regulatory intervention.</p>
	<p>Ms. Andrea Pierre Jack: NPTA</p>	<p>1. Does CROP cover stores selling handsets that usually come with accessories but these accessories are instead sold separately?</p>		<p>This issue is outside the scope of the Authority and should be referred to Consumer's Division, Ministry of Legal Affairs.</p> <p>A new section in the revised CROP has been inserted to make this clearer to all parties.</p>

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		<p>2. Does the policy cover dual SIM phones and the operations of those? People are having problems with sending MMS etc. With dual SIM phones, does this document deal with this?</p>		<p>The CROP does not cover dual SIM phones. Concerns of this nature are outside the remit of the Authority and should be referred to Consumer's Division, Ministry of Legal Affairs.</p> <p>A new section in the revised CROP has been inserted to make this clearer to all parties</p>
Section 1 INTRODUCTION				
Introduction	CCTL (FLOW)	<p>CCTL is pleased to provide input to the development of the Consumer Rights and Obligation Policy. In formulating such a policy, due consideration must be given to the level of market competition and the cost that the regulatory measure is likely to have on the market.</p> <p>Historically, the purpose of regimes such as what is being proposed by TATT was to ensure adequate service quality in a monopoly environment.</p> <p>By its very nature, market competition drives improved quality of service. A review of global market trends will reveal that as competition develops, quality of service regulations, along with other aspects of regulations are relaxed. This occurred in the Canadian market as noted in "Telecom Decision CRTC</p>	<p>The draft policy should be revisited and consideration given to the market requirements based on the level of market competition.</p> <p>Cost considerations should also be factored into the decision. We would also recommend that the Authority conduct a careful study of what obtains in more mature</p>	<p>The Authority agrees with this principle, and has given consideration to the level of market competition, international precedent and the cost of the measures proposed in the implementation of CROP/ CQoS framework.</p> <p>The Authority agrees with the premise that as "competition develops, quality of service regulations, along with other aspects of regulations [should be] relaxed" tending towards co-regulatory and self-regulatory</p>

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		<p>2008-105². Similar trends are observed in the USA and UK. In the US, the Federal Communications Commission (FCC) does not impose service quality standards on operators but monitors based on quality of service data submitted annually by operators. The UK approach is based on the annual publication of survey results examining specific aspects of the consumer experience. What TATT is proposing encompasses all the approaches mentioned above and more. The proposal is simply unrealistic.</p> <p>In developing regulations good regulatory practice demands that due consideration be given to the market context and that an appropriate balance be struck between the cost of establishing and maintaining the regulatory tool against the benefits to be derived by the market as a whole.</p> <p>Additionally with respect to the current draft we find the policy quite prescriptive. Specific examples are cited in the body of our response. In these instances we believe that broad guidelines will be helpful, leaving service providers the flexibility to manage their businesses. We also believe that while the Draft Policy covers a wide range of potential consumer rights issues it</p>	<p>regulatory jurisdictions. In evaluating what tools to apply in this market, greater focus should be given to self-regulatory approaches that are in line with the level of competition in the market.</p>	<p>regimes. However, mindful of the existing state of competition in the major sub markets, at this time the Authority does not believe that its approach of prescribing <i>minimum standards</i> of performance is counter to the above cited principle. In the long term, competitive market forces are expected to drive Customer Service and QoS performance to higher levels beyond the minimum standards identified herein.</p> <p>The Authority agrees to the identified “good regulatory practice” cited.</p> <p>The monitoring for compliance as it relates to critical CROP issues such as validation of QoS reports, may be done in the form of audits and other technical exercises. Prior versions of CROP did not mention audits processes as such technical exercises are</p>

² 1 Ref: <http://www.crtc.gc.ca/eng/archive/2008/dt2008-105.htm>

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		<p>lacks specifics as it relates critical issues such as how compliance will be monitored. For instance there is no mention of audit processes. Without an audit element to allow for appropriate checks and balances there will be issues with validity of reports and publications.</p> <p>Another missing element is a defined compliance and enforcement system. Without such mechanisms, there is a real risk that operators could be forced into expensive reporting requirements that do not provide information that is accessible and or useful to informing consumer decisions. Also, TATT will not be in a position to act on these reports.</p> <p>We also have concerns with the significant increase in the level of reporting requirements, the potential cost implications of supporting these requirements, and question whether the industry is best served by imposing such burdensome requirements. A general rule of good regulatory governance requires balancing the cost of the tool against the overall benefits. If the costs outweigh the benefits the result is a suboptimal system that reduces market efficiency. Good regulatory governance improves market efficiency. The policy should guide the industry to outcomes that are consistent with industry and macro economic development goals. For example,</p>		<p>inherent in the Authority's role as a whole. In the revised version, the Authority has identified particular validation processes which will be used.</p> <p>Compliance and enforcement mechanisms have been introduced where appropriate, and shall be further defined in the associated regulations and other regulatory framework. In short, when Regulations are passed pursuant to this Framework, a breach of the obligatory provisions established will be considered a breach of the Act, subject to enforcement thereto.</p> <p>While the Authority notes the reiterated concern, it is not convinced that the reporting requirements are overly onerous. Indeed, the Authority believes that many of the reports cited would be the operational outputs of an efficiently administered service provider. The Authority believes that dependable, reliable and competitive customer care and quality of services are consistent with industry best practice.</p>

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		<p>if ICT is seen as a vehicle for growth and economic development, the policy should embrace trends where business progressively incorporates the use of ICTs in business transactions.</p> <p>The significant time lapse (1st draft 2005 and 2nd draft 2009) in the development of the policy raises the question of the relevance of some of the positions, given the developments that have taken place in the market since 2005. The exclusion of the Decisions on Recommendations (DoRs) matrix, from the document introduces some level of discontinuity and negatively impacts the transparency of the process.</p>		<p>The Authority agrees that there has been a significant time lapse and has taken this into consideration while amending the document.</p> <p>The Authority published the DoRs on its website as a separate document due to its size.</p>
1.1 Policy Objectives	CCTL (FLOW)	CCTL supports the Policy Objectives articulated in the Draft Consumer Rights and Obligation Policy.		The Authority welcomes the support.
Pg 4. <i>“The final policy should ensure that consumers have a right to the following: 1. Access to essential telecommunication and broadcast</i>	TSTT	It is noted that neither the Telecommunications Act nor the Concession identifies “essential telecommunication and broadcast services”. As such it is incumbent upon the Authority, at least for clarity, to define those elements of telecommunications and broadcasting services that it considers to be essential as opposed to non- essential. Furthermore, pending the Authority’s identification of same it is submitted that stakeholders should be given adequate opportunity to comment on same before any regulations on this subject matter is finalised.	It is strongly recommended that the Authority clarify its definition of “essential telecommunication and broadcast services”. In addition Stakeholders should be given adequate opportunity to comment on same before any policy and/or Regulations are finalized.	Noted. Indeed, it is proposed that the terms “essential and non-essential” are removed from this framework, and revert to the defined suite of “basic telecommunications services” as defined in the revised Universal Service Framework of 2012.

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<p><i>services”</i></p> <p><i>“3. Personal privacy which is respected and protected”</i></p>		<p>As will be noted later in this response, the Authority is reminded of the provisions of the Data Protection Act No. 13 of 2011. In that regard the Authority would be well advised not to overstep its jurisdiction in relation on this issue and allow the Information Commissioner to address such issues.</p>	<p>In light of the fact that the issue of personal privacy as identified by the Authority is adequately addressed under the Data Protection Act it is recommended that the Authority should not seek to address same here.</p> <p>As such, remove this provision and amend policy accordingly</p>	<p>The Authority agrees that the ultimate oversight of the protection of personal privacy of the customer would be the Information Commissioner. Notwithstanding same, the Authority would like to point TSTT to the following:</p> <ul style="list-style-type: none"> - Parties that control personal information of data subjects carry an affirmative obligation under the Data Protection Act to adhere to the General Privacy Principles (Section 6); and - The Act provides for where the Information Commissioner requires a particular industry to establish Codes of Conduct, he may engage the sector regulators to oversee the industry in that regard (Section 71(2)). <p>In the absence of the appointment of an Information Commissioner and in any event in view of the critical nature of general privacy principles, , the Authority is of the view that any framework addressing customer quality of service should not be silent but should address the issue substantively</p>

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<p>“4. “High” standards for consumer-related service quality:”</p>		<p>It was agreed in the 2nd Round DoR that the Authority would be seeking to set “minimum” standards (see Pg 12 #4). Further, TSTT reiterates its previous statement on this issue namely that the (Draft) Policy’s overarching objective should be to articulate the minimum quality of service standards required, since it is not inconceivable that potential customers will be willing to pay less for a basic level of service while other potential customers will be willing to pay a premium for correspondingly higher level of services. This assertion is supported by noted Florida Public Utilities Professor, Department of Economics, Sanford V. Berg and Professor John G. Lynch, Jr., J.E. Penney Term Professor of Retailing, Department of Marketing, University of Florida, Gainesville in their paper entitled “<i>The measurement and encouragement of telephone service quality</i>”, published in Telecommunications Policy (April 1992) Pg 211, in which they state:</p> <p><i>“When a quality attribute is a “public good” its availability to one customer makes it available to all. Yet different customers will have different marginal valuations for the quality dimension. Both equity and efficiency may be enhanced if there is some way to distinguish among customers, charging more to those who value the (higher-cost) characteristic more.”</i></p> <p>Thus, the approach proposed herein by the Authority may only serve to stymie the potential business value of this market dynamic.</p>	<p>Based upon the Authority’s prior agreement to adopt the approach of establishing minimum standards, it is recommended that this policy document be amended to replace “High” with “Minimum” accordingly .</p> <p>The Authority is cautioned against overregulation and should let market forces self-discipline. Regulation should be reserved for instances of clear market failure.</p>	<p>Noted and agreed.</p>

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<p><i>minimum expected standards of quality..."</i></p> <p>Pg 8 <i>"In contrast, consumers pay directly for subscription..."</i></p> <p>Pg 9 <i>"It must be noted that this policy document should be read in conjunction</i></p>		<p>The use of the term "consumer" is in direct contradiction with the Authority's definition in the preceding line and should read "customer". Used incorrectly in the rest of this paragraph.</p> <p>Please add "Number Portability" to the list of on-going consultations. As far as TSTT is aware this issue has not been finally determined. Indeed, by the Authority's own admission, this Draft Consumer...Policy should be "read in conjunction with other relevant regulatory instruments...", thus the fact that one such "relevant regulatory instrument" has been omitted, means that stakeholders have been denied proper facts and thus further emphasizes the need for a 4th Round of consultation on this policy document.</p> <p>Pg 9 – Please cite sources for these "international benchmarks" being referenced.</p>	<p>"minimum" is noted here for the Authority's information. Correct all inconsistencies to read "minimum" re: standards of quality and remove all references to the term "highest"</p> <p>Correct inconsistencies in the use of "consumer" and "customer"</p> <p>Please add "Number Portability" to list of ongoing consultations. In the event this issue has been finalized, it is recommended that the Authority publish same accordingly, as well as, issue an amended or corrected policy document for a further consultation(s)/4th Round</p> <p>The Authority is asked to please cite sources for these "international benchmarks" being referenced.</p>	<p>Noted and Agreed. In light of comment made prior, the amendments will be made case by case, as relevant.</p> <p>Noted. However, since the submission of these comments, Number Portability has completed its consultation phase.</p> <p>Noted. Such would be included in the References section of the document.</p>

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<i>with other relevant regulatory instruments developed or in the process of being developed...”:</i>				
1.6 The Consultation Process	TSTT	Pg 11 “The Authority is now seeking ...in this revised consultative document...”: – Having reviewed the document it is clear that the Authority has failed to include in this “revised” version quite a number of recommendations it agreed to (as captured in the DoRs).	It is therefore recommended that the Authority include all recommendations agreed to as cited in the DoRs accordingly and re-issue the policy document for further consultation	Noted and Agreed.
Section 2 DEFINING THE CONSUMER				
2 Defining the Consumer	TSTT	Pg 12-13 : - It is noted that the Authority is attempting to make a distinction between the term “Consumer” and “user” as defined in the Telecommunications Act. In that regard, the Authority has suggested its definition of “consumer” as meaning a “direct user”, or “end user”. This term is clearly wider than the term “user” as defined in the Telecommunications Act (i.e. “customer or a subscriber”) in that it includes any person who may use the service provided to a customer or subscriber. It is respectfully submitted that this unfairly extends the obligations of concessionaires to persons with whom they	It is submitted that the term “Consumer”, must be limited to a contractual relationship existing between the service provider and the individual user ” and as such this Policy document should be amended accordingly. TSTT therefore rejects the attempt by the Authority to expand its sphere of influence in this regard contrary to	Noted and agreed in principle. As outlined on page 10 of the revised Policy, the Authority believes that “customer” and “consumer” refer to different groups of persons. However, the Authority is of the view that the “consumer” is the larger population, of which “customer” (or “user” in the Act) is a subset, and refers specifically to the party who has “ contractual

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		<p>(concessionaires) do not have any contractual relationship whatsoever. Indeed the fact that a customer/subscriber allows another person to utilize the service he/she/it receives is entirely within that person's discretion. As such such a person receives the service under the authority of the customer/subscriber, indeed if there is any issue with the quality of service being provided whether to the customer/subscriber or to any person authorized by him to receive same, it will be for the customer/subscriber to take such action to enforce his/her rights under his service contract. The concept postulated by the Authority effectively seeks to give third parties to a contract for service certain rights and to impose obligations on the concessionaire in relation to them. This is clearly unreasonable.</p> <p>It must be remembered that while the term "customer" may appear in the Telecommunications Act and the Concession the use of that term can only be interpreted in the context of the Telecommunications Act. It is submitted that to expand such a term beyond the context of the Act or to import a definition from other legislation is incorrect. Indeed it is further submitted that the use of the term "consumer" in the Telecommunications Act for example in Section 18(3) thereof does not contemplate just <i>any</i> "end user" but rather one to whom a concessionaire has an obligation to provide service. The purported distinction between a "consumer" and "customer", it is respectfully submitted, is therefore contrary to the provisions of the Telecommunications Act. Further, Section 2 of the Telecommunications Act only conceives of a "user" as being a</p>	<p>the Telecommunications Act (2001) and calls upon the Authority to amend this draft Policy document accordingly.</p>	<p>relationship [with] the service provider"</p> <p>This distinction is maintained throughout the CROP document.</p> <p>Further, the Authority believes that on matters of network-related consumer quality of service, such standards would apply to both customers and consumers (e.g. roaming mobile consumers and pay-phone fixed line consumers).</p>

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		<p>“customer” or “subscriber”, which therefore means that even if TATT were to insist on the use of the term “consumer”, it must be limited to a contractual relationship existing between the service provider and the individual user - be he a business, or an individual.</p> <p>Any attempt and extend the meaning to anyone who may use the service - e.g. a family member in a household, a guest of that family, a business associate of the business customer, customer of that business and so on, is it is submitted <i>ultra vires</i> the parent Act.</p> <p>Pgs 13-14 : Re: Table on “Consumption Stage” and “Associated Rights”</p> <p>3. Activation of service - should read the “customer” has the right to timely and efficient service activation inclusive of the provisions outlined in the service contract since at this stage there is a contractual relationship between the service provider and customer.</p> <p>4 . “Receiving service” - “The right to receive a service which is of a high quality, and which meets minimum standards of acceptability” – the Authority’s mandate is to set “minimum” quality of standards. Please remove all references to “high” quality of standards</p> <p>7. “Consumer” grievance should read “Customer” grievance -</p>	<p>Correct statement and issue 4th Round</p> <p>Correct statement and issue 4th Round</p> <p>Correct statement and issue 4th</p>	<p>Noted. However, at this stage of the consumption process the consumer is not yet a customer. This is consistent with the drafting in the revised CROP.</p> <p>Noted. This is consistent with the drafting in the revised CROP.</p> <p>Noted. This is consistent with the drafting in</p>

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		"...redress of service related “consumer” correct to read “customer” complaints” this relationship contemplates the “service standards as outlined in the service contract.”	Round	the revised CROP.
Section 3 THE CONSUMER'S RIGHT TO ESSENTIAL SERVICES				
3. The Consumer's Right to Essential Service	TSTT	Pg 15 – “Right” here is the premise upon which consumers are guaranteed certain rights with regard to the services provided - they are paid for by the consumer. A consumer must therefore have made a financial investment in order to have any right to complain about quality of service and other rights accorded to consumers. Even though a basic right, telecommunications is like any other basic right such as water and electricity; not one of these services is free (although some societies may subsidize costs to make them affordable). It is that commercial relationship which gives a consumer an expectation of a standard of service. Indeed it is within the body of the contract that quality of service terms are to be found. These terms will not be known to an end user consumer, who has no access to the contract terms and conditions. The “Customer” therefore has all rights duly presented.	Amend to read “customer”	Noted and agreed in principle
3.2 Basic Telecommunications Service	TSTT	Pg 16 - “...affordable public data services ...” Asymmetrical or download only at 512k?” Pg 17 “Statement on Access to Basic Telecommunications Services –	Please clarify if “throughput” of 512 kbps refers to asymmetrical or download speeds. Please correct the use of the term “consumer”	The throughput identified is the asymmetrical download speed. Noted.

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		"consumer" is used incorrectly – this should read "customer"		
3.3 Broadcasting Services	CCTL (FLOW)	<p>We note the reference in the proposal to expected revisions to the Telecommunications Act, and specifically that broadcasting services should be included as part of the universality framework. CCTL expects that it will be given an opportunity to present its views on this issue before a determination is made.</p> <p>We also look forward to participating in the development of the Framework for Public Broadcasting in Trinidad and Tobago.</p>	CCTL should be given an opportunity to present its views on the proposal to include broadcasting as part of the universality framework.	<p>Noted. CCTL will indeed have an opportunity to participate in any deliberations on the inclusion of broadcasting services into the Universal Service framework.</p> <p>Similarly, CCTL will be invited to participate in the development of the framework for Public Broadcasting.</p>
	TSTT	<p>Pg 18</p> <p>"Generally speaking ...complaint resolution" – correct "consumer" to read "customer" re: quality of service</p>	<p>Please clarify if "throughput" of 512 kbps refers to asymmetrical or download speeds</p> <p>Please correct the use of the term "consumer"</p>	<p>The throughput identified is the asymmetrical download speed.</p> <p>Noted.</p>
Section 4 – THE CONSUMER'S RIGHT TO INFORMATION				
4.1 General Principles <i>Pg 21- "Most modern consumer"</i>	TSTT	<p>Pg 21 - TSTT asserts that the "ability of persons...to choose and decide amongst ...services..." is premised on the ability to pay, therefore leading to a contractual arrangement. Any "rights" are thus owed to the "customer". As noted above the Authority</p>	<p>Please correct the use of the term "consumer" to read "customer"</p> <p>Please provide reference to quoted statement on page 21. Delete this</p>	<p>Noted.</p> <p>The quoted statement shall be amended to</p>

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<p><i>legislation attempts to rectify the inequality in bargaining power between the consumer and the service provider</i></p> <p><i>Pg 22 - "The requirement for service providers to establish Customer Charters"</i></p> <p><i>Pg 22- "Statement on</i></p>		<p>is attempting to unnecessarily grant rights to third parties. Please provide reference in support of this assertion</p> <p>The premise of "bargaining power" is based on the aforementioned ability to pay with the ensuing service provider-"customer" relationship. It is not the remit of Policy to extend or cure what the Authority might perceive as a flaw in the Consumer Protection and Safety Act.</p> <p>TSTT points out that this is the correct term as expressed in the Concession (C25) in direct contrast to 4.2 "Consumer Charter" which follows.</p> <p>"This information must be given adequate prominence to ensure it reaches the attention of the general service consuming public</p>	<p>statement</p> <p>TSTT points out that this is the correct term as expressed in the Concession (C25) in direct contrast to 4.2 "Consumer Charter" which follows.</p> <p>Please correct all instances of "Consumer" to read "Customer" Charter</p> <p>The Authority needs to provide greater clarity with regards to what</p>	<p>change "can" to "may".</p> <p>Agreement on this premise would be contingent upon whether a "prospective customer" also has rights to certain information. The Data Protection Act, as well as the Consumer Protection Act, seem to suggest as much. Consequently the Authority does not accept TSTT's premise outright that only customers have rights to certain information. The language shall be reformulated to clarify this distinction.</p> <p>Noted and agreed.</p> <p>Noted.</p> <p>The Authority wishes to underscore the need for the service provider to be truthful,</p>

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<i>consumer access to information</i>		<p>...in a manner that is not confusing, misleading or deceptive” – these criteria are wholly judgment based and are relative individual skill and interpretation.</p> <p>Please clarify whether a concessionaire might also be obliged to give the charter free of charge to a non-customer?</p>	<p>is meant by “...confusing, misleading or deceptive”</p> <p>Provide clarification</p>	<p>accurate and clear in its communications with both existing and prospective customers. Failure to do so may find that service provider afoul of the “truth in advertising” provisions deliberated on later in the document.</p> <p>Accordingly, while the Authority appreciates that the criteria may be deemed to be based on the “relative individual skill and interpretation” of the existing or prospective customer, the service provider is encouraged to ensure clarity in their messaging at all times. The complaint of the public with respect to Section 4.2 below provides insight to the general concern.</p> <p>While it may be encouraged, the concessionaire may not be so obliged.</p>
4.2 The Consumer Charter	Public	Customer service representatives do not provide adequate information on services.		<p>The document addresses this in Section 5.1.1.</p> <p>The CROP has been amended to require Service Providers to at a minimum, display the all relevant information, and the Customer Charter at their points of service contact.</p>

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		<p>The Customer Charter should be in a particular format and posted by Service Providers and should be easy for consumers to read.</p>		<p>Noted. The Authority has included in the revised CROP the requirement for Service Providers to make their Charter available by publication and display both at public offices and on its website to facilitate ready access by customers.</p>
	CCTL (FLOW)	<p>In practice a consumer charter provides customers with information about a company's vision, organizational values and service commitments to customers. A charter should also serve to provide information on procedures relating to the purchasing experience and what customers can expect from the company such as service commitments.</p> <p>In terms of the proposed list of items to be included in the Consumer Charter, this is an area where we are of the view that the Authority has been too prescriptive. The proposed list contains items that duplicate information that is already provided in other customer documents such as the General Terms and Conditions of Service. Further, it would be very difficult to include all this information in the Consumer Charter. We would propose that instead of duplicating information provided elsewhere, the Consumer Charter should point to the other documents that contain information that is pertinent to the consumer making informed purchasing decisions.</p> <p>We believe that the spirit of the language in the Concession is</p>	<p>Requirements in the policy should be less prescriptive. The Consumer Charter should not replicate information provided in other customer documents, but should make reference to such documents.</p>	<p>Noted and agreed.</p> <p>The Authority has amended the CROP to be less prescriptive on the contents therein, focusing on the Customer Care aspect of the service provider's value proposition.</p> <p>However the Authority maintains that the information cited in the prior version of CROP is available in some form to at least customers and, where possible, the public at large.</p>

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		<p>adequate to capture the requirements of the Consumer Charter. Based on this, service providers should be allowed the flexibility to develop their Consumer Charter. In the process of reviewing the Consumer Charter, TATT could then confirm whether the requirements of the Concession are met.</p> <p>With respect to the requirements for the Consumer Charter to be made available in audio and Braille formats for the differently-abled, since this requirement is based on the universality policy, we believe that the costs for such assisted technologies should be met from the Universal Service Fund, whether as a deduction from a provider's contribution, or as a direct payment from the Fund.</p>	<p>The costs to make the Consumer Charter available in audio and Braille formats should be covered by funds from the Universal Service Fund.</p>	<p>Noted. This proposal may be considered within the Universal Service Framework, though the Authority would need an appropriate justification of the cost of some basic provision of these facilities to justify its inclusion in the Universal Service Funding Programme.</p>
	TSTT	<p>Pg 22 - TSTT again stresses to the Authority its enduring concern regarding the Authority's attempt to change the "Customer Charter" provision to a "Consumer Charter" by asserting a name change "... a Customer Charter (hereinafter called a "Consumer Charter").</p> <p>Condition C25 of the Concession provides for a "Customer Charter" but the Authority is proposing to change this to "Consumer" in keeping with its redefinition of "Customer". The previous comments above are relevant. A "customer" can only be a "consumer" in the context of a "customer /subscriber of</p>	<p>TSTT notes again the Authority's attempt to modify scope of the Telecommunications Act and the Concession.</p> <p>TSTT still considers that the Authority is acting <i>ultra vires</i> and firmly asserts that a fiduciary relationship cannot be extended beyond the customer/ subscriber</p>	<p>Noted and agreed. The Authority concedes that the Charter, as envisioned, should only reflect obligations of the service provider to its customers.</p> <p>Noted. See above.</p>

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		<p>services”, pursuant to the Telecommunications Act. The definition cannot extend to a “user” of the product. Such a “consumer” falls within the ambit of the Consumer Protection and Safety Act.</p> <p>Pg 23 “... but will not be a requirement for free-to-air broadcasters” –</p> <p>- Earlier on Pg 19, the Authority stated that there was an “economic relationship” that existed between free-to-air broadcast consumers and advertisers i.e. “access to the consumers attention is exchanged for advertising revenue with agents who have an economic use for such attention.”. TSTT submits therefore that free-to-air broadcasters should be under a similar requirement to publish a “Customer Charter”</p>	<p>as defined in the Act under “User”.</p> <p>Customer Charter publication should extend to free-to-air broadcasters</p> <p>Correct to read “Customer Charter”</p>	<p>While this is an interesting proposition, the Authority disagrees.</p> <p>The Authority does not consider the advertisers as the users (or consumers) of the broadcasting service. This position is based on the premise that the “broadcasting service” is considered that transaction with a user <i>a posteriori</i> the finalization of the content package that is broadcast. Conversely, advertisers are involved in a transaction that is <i>a priori</i> the finalization of the content package.</p> <p>It is based on this interpretation that the Authority does not see that even if its price control powers were extending into broadcasting sphere, it would not be applicable to, for example, the regulation of the price of an advertising slot at a particular time.</p> <p>Based on this interpretation, the customer charter is ill-suited for the free-to-air</p>

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		<p>Pg 23-24 "Statement on Consumer Charter"- correct to read "Customer Charter" :</p> <p>TSTT questions the need for the extensive number of elements listed herein which the Authority prescribes for the Customer Charter. This will necessarily be a booklet of significant size which can work contrary to the Authority's objective of encouraging Customer engagement and self-education. Additionally based on the amount of information that the Authority requires be put in the Charter, a paper based charter will be expensive. TSTT respectfully suggest that we utilize our telecommunications media and adopt a more environmentally friendly "green" approach by moving away from paper, making available in online for easy access by customers</p>	<p>Simplify Charter requirements.</p> <p>Concessionaires to make available in web-based format.</p>	<p>broadcaster whose users are not bound by any contract (as per TSTT's own argument for the reversion to the term "Customer Charter")</p> <p>Noted. The Authority has agreed to modify CROP so that it shall be less prescriptive on the contents therein, but shall insist that the information cited is available in some form to, at least, customers and where possible, the public at large.</p> <p>While concessionaires may make the Charter available through the Web, they shall also be obliged to display it by other means so as to ensure all customers – with or without Internet access – can access the Charter.</p>
4.3 Truth in Marketing, Advertising and Promotions	Public	A Service Provider is offering a service (promotion) top up \$25 but there is no \$25 top up card.		<p>This complaint seems to allude to challenges related to the issue of "truth in advertising" which is discussed within CROP.</p> <p>Accordingly the Authority shall ensure that such inaccuracies are minimized through the definition of an appropriate obligation in CROP.</p>

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		What can we do when Service Providers claim that they are providing a certain level of bandwidth but they are really not?		<p>The Authority has established, in the concession and in CROP, Quality of Service benchmarks which oblige service providers to meet minimum Internet speeds in relation to that advertised and contracted.</p> <p>Through the regulatory framework envisioned by the CROP/ CQoS, when such is in force, while the Authority will have affirmative recourse for corrective action where services fail to meet these criteria, customers may also legitimately seek corrective action in relation to "Truth in advertising" obligations as well as "QoS performance" minimum requirements.</p>
	Scarborough Upper Lions Club	There should be specific obligation on the part of concessionaires to provide customers with the product/service/value as advertised	<p>False or misleading advertising would include:</p> <p>Failure to make available a product/ service/ value in keeping with the claims of the promotion</p>	<p>The Authority has established, in the concession and in CROP, Quality of Service benchmarks which oblige service providers to meet minimum Internet speeds in relation to that advertised and contracted.</p> <p>Through the regulatory framework envisioned by the CROP/ CQoS, when such is in force, while the Authority will have affirmative recourse for corrective action where services fail to meet these criteria, customers may also legitimately seek corrective action in relation to "Truth in advertising" obligations as well as "QoS</p>

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				performance” minimum requirements.
4.4. Contractual Information	Ms. Andrea Pierre Jack: NPTA	People need to know what they are applying for when applying for a service. It is sometimes difficult to read the contents of a contract.	The contract language should be simple for people to understand.	The Authority agrees that on customer request, all customer service representatives should be able to provide information in normal language about the terms and conditions of the contract. Such an obligation will be reiterated in CROP.
	Ms. Baptiste	With respect to the provision of consumer information, it is necessary to use language specifying the terms and conditions that the consumer can understand clearly.	We should mandate that SPs have terms and conditions language that people can understand and this should be included in the customer charter.	The Authority shall ensure by amendment to the “Contractual Information” section in the CROP that the language, when specifying terms and conditions, in the either the Customer Charter or some other customer notification mechanism, shall be, as much as possible, in simple and easily understood language.
	CCTL (FLOW)	TATT’s proposal relating to what should be included in a contract document is very prescriptive. We believe general guidelines are appropriate, but details should be left to the business to determine. We believe that it is important to provide customers with this information but operators should have the flexibility to determine how they present this information to customers. For instance, TATT proposes that the contract should include information on complaints handling mechanism and method of initiating complaints. However based on knowledge of customers behavior and operational	Specific information to be included in contracts and details such as the font size to be used in preparing contracts should be left to the discretion of the service provider.	The Authority is of the opinion that, to minimize the information asymmetry to the detriment of the customer, the contract offered by service provider to the customer should provide sufficient detail on these matters. While the Authority acknowledges that the service provider may want to seek to choose alternative channels to highlight these aspects of the contract, it is of the firm

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		<p>requirements a business may decide that such information may be more appropriately placed in say the Consumer Charter or through other general customer information channels.</p> <p>Other areas where we believe the Authority is being unnecessarily prescriptive include defining the size of fonts to be used in contracts and in statements made with respect to pricing issues. As an example the Authority states “<i>Where user contract contains a minimum term, there should be a discount offered for completing the term and any penalty for early termination of the contract should reflect this discount</i>” We believe for the purposes of the Consumer Rights and Obligation Policy, it is adequate reference such issues to the pricing regulations.</p> <p>With respect to electronic contract, e.g. services subscribed to online, TATT proposes that the consumer is given the option to printed terms and conditions. With the adoption and use of information and communication technology in business transactions, we believe it is important that a policy on Consumer Rights and Obligations be harmonized with this trend.</p>	<p>The policy should encourage the use of electronic transactions.</p>	<p>opinion that all areas listed are substantive issues which will govern the relationship of the service provider and customer. This does not restrain the service provider from finding innovative ways and means to highlight particular aspects of the contract, but such terms and conditions should be in the contract itself.</p> <p>The Authority is willing to withdraw the prescriptive stipulation on font size and style. Instead general guidelines are proposed to guide the presentation of information to ensure that the presentation can be reasonably discerned.</p> <p>The Authority is willing to withdraw on the stipulation of discount offering.</p> <p>Noted. The requirement for the mediating software to clearly give the person to opportunity to cancel the transaction is the Authority's interpretation of the requirement of Section 22 (b) of the Electronic Transactions Act, 2011.</p>

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		<p>Given the recent passing of the Electronic Transactions Act, and work being done on supporting regulations, we would recommend that this policy be harmonized with the requirements of that framework.</p>		
	TSTT	<p>Pg 27</p> <p>- This is further evidence of the Authority confusing itself with the use of “consumer”. Again, TSTT admonishes the Authority that contractual obligations are ONLY owed to a “CUSTOMER”, a fact to which the Authority has acquiesced. The two (2) terms CANNOT be used interchangeably. Reference is made to the Authority’s statement later on in the same document at Pg 38 “After choosing a service provider and agreeing to a contract on the provision of service, the consumer (now a customer) has the right ...” which illustrates TSTT’s point and further highlights the numerous errors contained within this policy document effectively confusing the terms “consumer” and “customer”.</p> <p>Pg 28</p> <p>-Correct the typographical error “complaint handing”</p> <p>Pg 29</p> <p>-TATT purports to impose an obligation on Concessionaires to produce Contracts of using a stipulated font size: TSTT questions whether TATT is exceeding its authority by</p>	<p>Change “consumer” to read “customer”. Issue a properly and correctly constituted 4th Round for consultation.</p> <p>Correct typographical error</p> <p>Remove this stipulation</p>	<p>Agreed.</p> <p>Noted.</p> <p>Agreed. This stipulation has been amended to general guidance on the legibility of text.</p>

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		<p>attempting to regulate the form of commercial agreements. Further, there is significant impact on cost to Concessionaires regarding consumables such as paper and ink. Has any analyses been conducted to determine whether this is even necessary or desirable to stakeholders?</p> <p>Pg 29 “... there should be a discount offered for completing the term ... TSTT asserts that TATT is overreaching its authority by presuming to dictate discounts in this manner. Further, TSTT is at a loss as to ascertain the Authority's objective and rationale for even suggesting this - on what basis was this provision conceptualised and how does this make sense?</p>	Remove discount stipulation	Agreed. This stipulation has been removed.
4.5. Modification of Contracts and Tariffs	CCTL (FLOW)	With respect to the modification of tariffs, the draft policy suggests that for all tariff changes customers should be given 30 days notice. This is contrary to the Concession requirements, which stipulate 30 days notice only for price increases to existing customers. The draft policy further states that the provisions regarding changes in tariffs relate to promotional offerings as well. Promotional offerings are normally designed to provide additional value to customers, since these are not price increases the period of notification does not apply to promotional offerings. We strongly disagree with any decision	All references to the process for price changes should be consistent the relevant clauses in the Concession.	With respect to time of notification of modification of tariffs, the Authority would require Service Providers to adhere to its Pricing Framework. Consequently, this section has been redrafted to focus exclusively on the aspects relevant to Modification of Contracts, as such the requirement to notify the “general public” 30 days in advance will no longer arise.

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		<p>to lessen flexibility in retail pricing decisions. We believe this to be contrary to the spirit of Section 29 of the Telecommunications Act. Within the context of increasing competition, any change to pricing rules should be to increase the pricing flexibility allowed service providers, not diminish it. Given the level of market competition and the fact that promotions generally provide added value or benefits to customers, flexibility should be allowed.</p>		<p>To address the concerns of CCTL, the provision of Concession Condition C8 already requires notification for all tariff changes to be forwarded to the Authority. "Tariffs" as contained in the Concession do not only refer to prices, but also includes all terms and conditions of a relevant service. The notification requirement is not to be misconstrued as an application for approval of a price. In the Authority's view, these requirements for notification do not in any way limit or diminish a service provider's flexibility to set prices.</p>
	TSTT	<p>Pg 32 ""Customers must also be given thirty (30) days notice ...adverse change...affected" – please remove the term "adverse" and replace with "material" as stipulated in the Concession. Also correct grammatical error to say "effected" instead of "affected".</p> <p>Pg 32 "The written notification shall include...the name and address of the telecommunications provider" – This should not be limited to "telecommunications provider" but also include all</p>	<p>Replace "adverse" with "material" as stated in the Concession at Condition</p> <p>Amend accordingly</p>	<p>Noted. Going forward, the Authority would require Service Providers to adhere to its "Price Regulations Framework and Draft Pricing Regulations." Consequently, this section has been redrafted to focus exclusively on the aspects relevant to Modification of Contracts as such the statement referred to has been deleted.</p> <p>Noted. See above.</p>

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		<p>providers.</p> <p>Pgs 32-33 “Proposed tariff changes may be implemented 30 days after notification has been given to customer ... <i>unless, at any point, the Authority notifies the concessionaire that it has concerns about the proposed tariff change</i>”:</p> <p>TSTT asserts that this is tantamount to the Authority reserving the right to “approve” tariffs. The Authority has no right to approve or disapprove existing tariffs at this time for services that fall outside of the Authority’s Dominance determination.</p> <p>Pg 33 “... with respect to the publication of tariffs ...ensure that all relevant (terms?) and conditions are published ...” - Please correct to include “Terms”</p>	<p>Remove this clause</p> <p>Please correct to include “Terms”</p>	<p>See above with respect to the referenced Procedure. The clause was not appropriately drafted and has been deleted. As outlined in the above referenced document, the Authority recognizes its function to regulate prices in the context of appropriate Regulations.</p> <p>Noted.</p>
<p>4.6 Directories and Directory Assistance Services</p>	<p>CCTL (FLOW)</p>	<p>The draft policy document introduces the notion of non dominant concessionaires having the option of obtaining directory inclusion in directory published by dominant provider, based on the payment of costs based charges.</p> <p>This is not supported by the relevant sections of the Concession document. Section C29 speaks to concessionaire providing access to an integrated database for directory enquiry services. Section C31 speaks to concessionaires exchanging information free of charge to allow for the integrated directories and directory enquiry services. It is clearly practical to have an integrated directory, and C31 speaks to both integrated</p>	<p>Non-dominant providers, who do not have an obligation to provide a printed directory, should not be required to pay a cost for including numbers in integrated directory published by the dominant provider.</p>	<p>Noted. The Authority will review this provision in the context of C29 and C31 of the Concession.</p>

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		<p>directories and directory enquiry services.</p> <p>We would also point out that the business model for printed directory allows for cost recovery via advertising. The advertising revenue is to the dominant provider. The advertising value is enhanced by the inclusion of an integrated database of available listings. We therefore disagree with the position that the dominant provider should be paid for this facility.</p> <p>Sixty days lead time for withdrawal of personal contact information before publication of new directory is very inadequate. Currently CCTL is required to provide listing information seven to eight months before new directory is published. After allowing time for our internal processes, we propose a lead time of nine months.</p> <p>Any provision to provide operator services to the differently abled via assisted technologies should be provided for from the Universal Service Fund, whether a deduction from a party's contribution, or as a direct payment from the Fund.</p>	<p>Recommended lead time for customers to notify service provider to exclude personal contact information from directory publication for the subsequent year should be nine months.</p> <p>Provision of operator services via assisted technologies should be funded from the USF.</p>	<p>Noted. The Authority will consider the practicality of the proposed lead time.</p> <p>Noted. This may be considered under the Universal Service Framework, though the Authority would need an appropriate justification of the cost of some basic provision of these facilities to justify its inclusion in the Universal Service Funding Programme.</p>
	TSTT	Pg 34 - Re: the responsibility of publishing telephone directories "Other concessionaires have the option of providing		The Authority notes TSTT's comment about evidence " <i>supporting its assertion that the</i>

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		<p>directories ...or requesting the inclusion ..." and Pg 34 - Re: the responsibility of the dominant concessionaire in public fixed telephone services:</p> <p>The Authority has not provided or referenced any evidence supporting its assertion that the publication of telephone directories is "usually borne by the dominant" concessionaire in the provision of fixed line services. Neither has the Authority provided any justification whatsoever for its ultimate decision in this regard to require the dominant fixed telephone service provider to publish a printed directory of its customers numbers.</p> <p>At the very least, it is incumbent upon the Authority to provide its cogent reasons and rationale for this decision and the absence thereof can it is submitted only suggest some pre-conceived notion on this issue. In the absence of same, to impose this obligation upon one concessionaire only would be discriminatory.</p> <p>The Authority is reminded that TSTT is not under any such obligation pursuant to the current legal framework and as such call upon the Authority to remove this statement entirely. Rather, it is within TSTT's discretion and indeed any other concessionaire's discretion to publish a directory accordingly. Indeed it has historically been in the interest of an operator (not an obligation) to publish a directory to – facilitate and encourage the use of its services.</p>	<p>It is strongly submitted that this statement be removed forthwith and the relevant portion of the document amended accordingly. The publication of a directory should therefore remain within the discretion of the concessionaire.</p>	<p><i>publication of telephone directories is "usually borne by the dominant" concessionaire in the provision of fixed line services"</i></p> <p>Notwithstanding same, the Authority proposes to delink any obligation with respect to Directory Publication from the determination of dominance in a market. Instead a transparent selection process, independent of market performance is being proposed. This proposed process will be subject to further elaboration outside of the framework of CROP.</p> <p>The Authority disagrees with TSTT's statements that it <i>"is not under any such obligation pursuant to the current legal framework... to publish a printed directory of its customers' numbers."</i> TSTT is reminded of Concession Condition C30:</p> <p><i>"The concessionaire shall, if directed to do so by the Authority, provide free of charge printed</i></p>

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		<p>As such it is submitted that this obligation should be removed in its entirety and concessionaires be allowed to freely choose whether they will publish a directory or not.</p> <p>Pg 35 “...published directories should be available at all public phone booths” This is an impractical proposal since published directories in phone booths are generally stolen or defaced. Please remove stipulation.</p> <p>Pg 35 “...directories should also contain information relating to ... support services for differently-abled consumers” The Authority is asked to clarify what it means by this statement.</p> <p>Pg 36</p>	<p>Delete accordingly</p> <p>Remove stipulation</p> <p>Provide clarification. This is to be addressed in Universality. Remove from this document</p>	<p><i>annual (or at such other reasonable interval agreed with the Authority) integrated directories to all subscribers of telephone services.”</i></p> <p>The Authority disagrees with the recommendation to delete this obligation entirely. Instead, the Authority proposes an alternative formulation of same in the revised document.</p> <p>Noted and agreed. The provision of directories at phone booths will be at the discretion of the service provider</p> <p>Noted. Amendments have been included as necessary to ensure that appropriate references are made to clarify the scope and role of Universal Service Fund availability in the revised text.</p> <p>The Authority disagrees. That such an</p>

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		<p>“The consumer should have the right to obtain and use the printed directory services free of charge, and the right to be included (or excluded) in such subscriber directories without discrimination or any associated charge.”</p> <p>This should reference the “customer” instead of consumer. In any event it is submitted that this obligation is already contained in the Concession and as such should be deleted accordingly.</p> <p>Pg 36 “...consumer should be able to have his information removed from subsequent publications ... sixty (60) days before the publishing of the subscriber directory...” :</p> <p>TSTT advises that this period of notice is inadequate given that the directories are printed externally (abroad). Remove this stipulation and work with Concessionaires to determine practical timeframe</p> <p>Pg 36 “ Printed directories must be made available to all “consumers”...” contrast with Pg 37 “Statement on Directory Publications and Directory Assistance Services”: “ All “customers of telecommunications services have the right to a printed directory free...”</p>	<p>TATT must work with Concessionaire to determine appropriate timeframes.</p> <p>Please clarify</p>	<p>obligation is already in the Concession does not mean that an equivalent obligation cannot or should not be codified in a framework such as the CROP/ CQoS. Indeed, many of the consumer protection provisions included in the concession were always intended to be superseded by appropriate Regulations. CROP is the precursor to the establishment of such Regulations.</p> <p>Noted and agreed. The following is proposed for inclusion in the appropriate section:</p> <p><i>“A cconcessionaire who forwards customer numbers for inclusion in printed directories should advise the public on appropriate opt-out timeframes before directory publications”</i></p> <p>The Authority notes the contradiction and clarifies that <u>customers</u> have a right to a free Directory.</p>

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		<p>Pg 36 “However, advertising should be such that it does not undermine the systematic organization...reduce the convenience ...cost recovery basis ... “ – TSTT respectfully requests clarification as to the Authority’s intent behind this statement and on what basis are these assertions being made. TSTT suggests that this provision should be included under universality, establishing a funding mechanism accordingly.</p> <p>Pg 37 “In respect to persons who are visually impaired, all individuals who are currently registered with the Blind Welfare Association of Trinidad and Tobago should have access to free directory assistance services. The Authority proposes that the provision of this service to the visually-impaired will qualify for universality funding”:</p> <p>TSTT considers that this provision is misplaced in this document and would be better addressed in the Universality discussion. To do otherwise would then beg the question of “when will such a provision be effected and will such funding be backdated if not available as of the date of enactment of this policy?”</p> <p>Pg 37 “Furthermore, the Authority is considering a similar initiative for persons who are hearing-impaired ... service will qualify for universality funding” :</p> <p>The above comments refer. Remove this statement from this</p>	<p>Remove this statement. Place under Universality</p> <p>Remove this statement from this document and place in Universality consultation.</p> <p>Remove this statement from this document and place in Universality consultation</p>	<p>The funding of the Directory is not itself an identified Universal Service charge. However, since an aspect of the Directory’s cost recovery is from advertising, the Section shall be reworded so that it does not unduly prejudice the viability of any business model necessary to support the production of the Directory.</p> <p>Noted. Amendments included as necessary to ensure that appropriate references to Universal Service and funding availability are included in the revised text.</p> <p>Noted. Amendments included as necessary to ensure that appropriate references to Universal Service and funding availability are included in the revised text.</p>

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		<p>provisioning has long been debundled from the basic access service. Currently it is standard practice for customers in this market to purchase telephone sets of their choice.</p> <p>Telephone sets are readily available in the general retail trade at affordable prices. CCTL is not aware that customers want to be provided with single line telephone sets as part of the basic service. On the contrary, customers are quite happy to purchase sets to suit their tastes and preferences.</p> <p>Some advantages of this approach include business opportunities for equipment sellers and customers have wide choice of reasonably priced handsets. In our view it would be a retrograde step to require compulsory provisioning where the onus is on the provider to offer a telephone sets as part of basic voice telephony service, moreover to categorize it as a consumer right.</p> <p>We believe that for voice telephony the obligation on the provider should be to provide a functioning access point for the connection of the telephone instrument. We also believe that where the provider offers the option of providing the service with a telephone instrument, the tariff for the instrument should be debundled from the access service.</p>		<p>However this is not the case for non-traditional networks.</p> <p>The Authority is also cognizant of that segment of the population that may not be able to such handsets independently, for reasons based on affordability, economic circumstance or otherwise, such that there may still be a legitimate need for the bundling of the telephone handset with the “basic” service.</p> <p>Due to the reasons outlined above, the Authority is of the view that onus of provision the fixed network CPE should remain with the concessionaire.</p>
	TSTT	<p>Pg 40 “...onus of provision...”:</p> <p>TSTT again reminds the Authority that the provision of Customer Premise Equipment (CPE) for fixed-line telephony should be optional as raised by TSTT and accepted by the</p>	<p>It is submitted that any obligation on concessionaires to provide CPE be removed.</p>	<p>Noted. The Authority acknowledges both arguments that (i) there is a vibrant market through which the consumer may acquire an unbundled telephone handset, and (ii) the</p>

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		<p>Authority pursuant to the second round of this Consultation. Rather providers should only be mandated to provide connection up to the Network Interface Device with the customer sourcing their own CPE. Furthermore, it is submitted that the distinction between fixed and mobile services i.e. CPE must be provided for fixed services only and not mobile is without basis. The issue of fixed to mobile substitution is a global phenomenon and it is submitted that any distinction between the two (2) does not lie in the means by which they are accessed. Both facilitate the provision of telecommunication services and therefore to mandate the provision of CPE for one and not the other it is submitted is simply illogical.</p> <p>That being said, it will be noted that CPE for both fixed line and mobile services can be provided and is indeed currently sold by several persons other than concessionaires. In that regard, it is submitted that any obligation to provide same as part of a telecommunications service is simply unnecessary. It is submitted that this is the same with other CPE devices including but not limited to internet modems. Notwithstanding this however, it will be recognised that it will be in the interest of concessionaires to provide such CPE devices in order to attract, provide and maintain service to its customers. That being the case it is submitted that the provision of CPE devices should therefore not be the subject of an affirmative obligation but rather remain a commercial choice in the provision of services.</p> <p>TSTT further notes that CPE vendors in the main do not need a concession to bring in and sell CPEs, which also include PBX.</p>		<p>rationale for any dichotomy of treatment between fixed and mobile services is tenuous.</p> <p>However, argument (i) is not the case for non-traditional networks and the Authority is also cognizant of that segments of the population that may not be able access the market referred to, for reasons based on affordability, economic circumstance or otherwise, such that there may still be a legitimate need for the bundling of the telephone handset with the “basic” service.</p> <p>Due to the reasons outlined above, the Authority is of the view that onus of provision the fixed network CPE should remain with the concessionaire.</p>

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		<p>TSTT suggests that this provision is discriminatory against Concessionaires (who have to pay requisite fees) and constitutes a retrograde step in the true liberalisation of the market.</p> <p>Pg 41 “Such a choice shall be limited only to a CPE for telephone services (fixed and mobile) ...” - Remove “mobile” – this was supposed to have been removed as agreed in the DoR from Round 2. Is also contradictory to the information presented in the table on pg 42.</p> <p>Pg 41 “For mobile telephone service, the service provider must provide...SIM)...” – This section in for CPE” provision. “Mobile” therefore services cannot enter into this discussion, this statement is misplaced. Remove since it is misleading and confusing in this section.</p> <p>Pg 42 “A concessionaire is not required to provide a CPE for mobile services, but the consumer should, at the very least, be referred to an authorized dealer of such a product.”</p> <p>TSTT is concerned that yet again TATT is imposing unreasonable responsibilities upon Concessionaires. This suggestion also runs counter to the central tenet of Consumer empowerment and self edification.</p>	<p>Remove incorrect terms</p> <p>Reissue a properly constituted 4th Round.</p> <p>Remove this completely</p> <p>Remove this statement</p>	<p>Noted and agreed.</p> <p>The Authority disagrees with this recommendation as the particular section refers to the concept of the “access connection point” and merely highlights “mobile telephone service” and the “SIM” in that context.</p> <p>Noted and agreed. While from a perspective of practicality, it is not expected that the service would be sold without a handset, the specific obligation seems outside of the core focus of the Authority. As such, this statement will be amended.</p>

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		Pg 43 <i>“Statement on Customer Premise Equipment ... A telecommunications service or subscription broadcasting service provider shall make available to the customer at least one (1) CPE (or at least the option to receive...) and relevant access connection per subscription...”</i> This is contradictory to the earlier assertion that CPE provision is optional and is at odds with the Authority’s statement in round 2 agreeing that CPE provision is not mandatory. Redefine “CPE” to mean the access connection point.	Remove this statement. Redefine to mean the access connection point Remove this statement.	Noted and reviewed.
	Scarborough Upper Lions Club	Upgraded CPEs usually introduce new technology or unfamiliar systems that are complicated to most customers particularly the elderly or differently-abled. This sometimes cause significant disruption in service or become costly due to frequent adjustments	Concessionaires should be obligated to provide user friendly CPE and provide assistance to customers during the adjustment period of approximately three months	While the Authority agrees that where CPE’s introduce new or unfamiliar technology to the user, and that it would be best practice to provide some sort of customer support, the Authority does not think that making such a regulatory obligation is necessary at this time.
5.3 CPE for Differently-Abled Persons and Priority Assistance Services	CCTL (FLOW)	CCTL believes that the provisioning of CPE equipment for the differently abled would be appropriately placed within the context of the Universality Regulations. As such the cost for such assisted technologies should be taken from the USF.	Cost of CPE for the differently-abled should be from the USF.	Noted and agreed.
	TSTT	Pg 44 <i>“The Authority holds that individuals with diagnosed, life-threatening medical conditions who request it ...be given priority ...:</i> TSTT asserts that there is a danger in forcing	Remove burden from service providers and liaise with relevant Government ministry	Noted and agreed. This will form a part of the Universal Service Obligations which shall receive funding from the USF

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		<p>telecommunications providers into doing things which are not within their core competency. This can potentially compromise the overall quality of service being delivered. This rightly belongs in the realm of social services with the service providers operating in the role of “enablers” as opposed to “administrators or arbiters”. TSTT recommends that funding for this service be included under “Universality”.</p> <p>See again Ofcom on “Better Policymaking” referenced at length earlier.</p> <p>Pg 45 “reducing the chances of disconnection...” – It is not under TATT’s purview to mandate what are commercial business decisions.</p>	Remove this statement	Noted and agreed.
<p>5.4 Mobile Handset Locking</p> <p>Pg 47 <i>“The Authority hence proposes that ...C20 be extended to</i></p>	TSTT	<p>Pg 45 - TATT must work with service providers to ascertain a proper timeframe within which pre-paid subsidies will be adequately recovered, before “unlocking” can be mandated.</p> <p>TSTT asserts that this is an attempt to amend the Concession and requests that it be removed.</p>	<p>TATT must work with service providers to ascertain a proper timeframe within which pre-paid subsidies will be adequately recovered, before “unlocking” can be mandated</p> <p>Remove this provision</p>	<p>Noted and agreed.</p> <p>The Authority disagrees with this recommendation. First, a pre-paid user is a “customer” of the service provider and thus bound by an explicit (and implicit) contract. Accordingly, the provisions of C20 should</p>

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<p><i>cover all service packages... ”:</i></p>				<p>apply if there is any subsidy associated with customer equipment issued with that service, such should be eligible to benefit from the assurances provided by C20.</p> <p>Alternatively, if one argues that a pre-paid customer is not in contract, C21 of the Concession prohibits the sale of locked CPE's without a contract.</p> <p>So in any case, there should not be an instance where the pre-paid customer's hand-set is not unlocked, either initially, or in response to a request by the customer.</p> <p>Finally, it should be noted that the chapeau of Condition C20 reads as follows:</p> <p><i>“Without prejudice to any other conditions in this concession, or consumer rights regulations to be developed by the Authority, the concessionaire...”</i></p> <p>The relevant provision is designed such that when this Framework is brought into force pursuant to the passage of necessary Regulations, it is intended to replace and update the Concession Conditions.</p>

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Section 6 – THE CONSUMER’S RIGHT TO A HIGH QUALITY OF SERVICE				
<p>6.0 The Customer’s Rights to a High Quality of Service</p>	<p>CCTL (FLOW)</p>	<p>Consumers have a right to high quality service. Effective competition is a primary vehicle for delivering high quality service. Where necessary regulations can be used promote competition. In the draft document the Authority speaks to various approaches in quality of service regulations. This includes setting minimum performance standards with penalties for non compliance, the publication of comparative performance statistics, and consumer surveys. TATT plans to use all the approaches mentioned. We believe it is unnecessary and unrealistic to use all the approaches in one market.</p> <p>Regarding plans to publish comparative performance statistics of the various service providers, TATT asserts that reporting performance statistics would not unduly increase costs incurred by providers, as they expect that service providers would be measuring and monitoring performance as part of their management control systems. However to the extent that the measuring, reporting and monitoring systems being proposed by TATT are incremental to systems that are currently used in the day to day business operations, the proposed systems will result in additional costs. This proposal will definitely require service providers to invest in systems and human resources to meet these new demands.</p> <p>In defining a framework for quality of service reporting TATT must take account of the cost this will impose on the market, and ensure that in the final analysis what is implemented is</p>	<p>In establishing Quality of Service Regulations and specifically in defining a system for quality of service reporting TATT should take account of the level of market competition. TATT should also consider the cost implications and ensure that the system can deliver benefits to the market.</p>	<p>This has been addressed above.</p> <p>To reiterate:</p> <ol style="list-style-type: none"> (1) The Authority, mindful of the existing state of competition in the major sub markets at this time, does not believe that its approach of prescribing <i>minimum standards</i> of performance is counter to the principle of “competition develops, quality of service regulations, along with other aspects of regulations [should be] relaxed”. (2) The Authority intends to in time strengthen its data collection regime by undertaking independent audits of the matters reported by the service providers pursuant to the CROP framework. (3) The Authority anticipates that the information requested would be in keeping with the standard management reporting mechanisms of a competent firm. As such, the Authority expects that the reports required will merely result from the aggregation of such information over a stipulated period. Given the

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Pg 49 "Performance indicators should provide meaningful information to consumers, but at the same time should not require a disproportionate amount of resources for the concessionaire to produce."		affordable and delivers the required outcome. If the cost is disproportionate to the benefits derived, this will result in market inefficiency. In the final analysis it is the final customer who will pay for this inefficiency.		information processing powers of contemporary ICT-enabled Operation Support System, the Authority is not convinced that such reporting would be overly onerous, particularly on larger service suppliers such as CCTL.
	TSTT	<p>Pg 49 "The Consumer's Right to a High Quality of Service" :</p> <p>Above comments refer. Only the "Customer" has "rights". "High" is subjective. See DoR from 2nd Round where TATT agreed to set "minimum" standards. This change is not reflected here.</p> <p>Pg 49 "Publishing statistics on performance can be an effective way of monitoring QoS. This is based on the principle of solving information asymmetries between service providers and consumers, hence facilitating efficient competition. For</p>	<p>TATT needs to be consistently clear that it is setting "minimum" standards. Rework and issue corrected information in 4th Round.</p> <p>Remove the requirement to furnish customers with QoS information</p> <p>Conduct requisite analyses</p>	<p>Noted and agreed.</p> <p>The Authority's requirement is clarified such that the information is provided to the Authority. Thereafter the Authority proposes to publish QoS information for public consideration.</p> <p>Noted. The Authority anticipates that the information requested would be in keeping with the standard management reporting mechanisms of a competent firm. As such, the Authority expects that the reports required will merely result from the</p>

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		<p>example, operators in Singapore, Australia, the UK, the US and Canada are all required to submit performance statistics to their respective regulators. Performance indicators should provide meaningful information to consumers”</p> <p>Reference is drawn to the spectacular failure of Topcomm in the UK. TATT is admonished to follow the Ofcom example and conduct relevant assessments to determine whether this is really necessary. UK Consumers were simply not interested (see “Consumer Focus response to quality of customer service review Topcomm review: second consultation – June 2009”), despite Ofcom’s laudable objectives “... that consumers should be provided with information that is relevant, accessible, accurate, comparable, transparent and provided in a timely manner..</p> <p>- Ofcom further stated that this scheme “incurred significant costs on CPs (Communications Providers) ...which due to the lack of tangible benefits for consumers could not be justified” (see http://www.ofcom.org.uk/consult/condocs/topcomm/statement/)</p>	<p>Please Correct and provide references</p>	<p>aggregation of such information over a stipulated period. Given the information processing powers of contemporary ICT-enabled Operation Support System, the Authority is not convinced that such reporting would be overly onerous, particularly on larger service suppliers such as TSTT.</p> <p>The Authority commits to continuous evaluation of the systems proposed both to improve efficiency of the framework and to ensure continued relevance to all stakeholders.</p> <p>The Authority does not believe a citation is necessary in this instance, given the domestic context where customers have long complained about <u>perceived</u> poor QOS. This requirement will be a significant tool to ensure that the facts behind such perceptions are uncovered, thus meeting one of the key objectives of this Policy.</p> <p>The Authority notes that TSTT’s citation gives merit to some tailored form of</p>

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		<p>“On July 29th 2009, Ofcom published a statement, after a lengthy consultation process, as part of its review of Quality of Service information. The statement outlined the decision to withdraw the current QoS scheme (Topcomm) with immediate effect. This decision reflects the opinions of stakeholders and consumers responses to the consultation, which showed that the current scheme had not fulfilled its original purpose - to provide meaningful comparison data amongst communication providers and the fixed voice services they provide.</p> <p>Bearing this in mind Ofcom have left the decision whether to publish data for Q1 and Q2 (Jan – June) with each Communication Provider.” Source: http://www.topcomm.org.uk/</p> <p>- There were failures in the Canadian context as well ... It is instructive to note the discussion in the Canadian example found in “Decision CRTC 2000-24” wherein Northwestel argued that “community level quality of service reporting has been discontinued... in Canada”. While they (Northwestel) were ultimately required to produce community level reports, it was owing to their unique situation of “serving wholly rural areas”. Further in “Decision CRTC 2001-217”, the CRTC Commission acknowledged that “Northwestel’s operating territory presents unique challenges”, which required community level reporting.</p> <p>- Please cite the reference for the “principle of solving information asymmetries between service providers and consumers...”</p>		<p>reporting. In this context, the Authority would anticipate TSTT providing more guidance and information on the costs of the “considerable financial...and human resources” which can be explicitly apportioned to its “compliance obligations” <u>only</u>.</p> <p>The fundamental principle remains that the Authority is of the view that network service providers who do not share their performance data with the Authority (and thus their customers) are in possession of a significant information set not available to the customer which can impact their decision-making. If this information asymmetry exists for a long enough period it could undermine the viability of the market place.</p> <p>There are many case references of regulators and jurisdictions where the implementation of either minimum standards or sector reporting obligations are enforced. They</p>

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		<p>TSTT has expended considerable financial (to the tune of millions of dollars) and human resources in its continued attempts to meet its compliance obligations and respectfully enquires whether TATT done any study to ascertain the costs of implementation of proposed standards. Ofcom was able to derive estimates for its providers to comply – “Review of quality of service information Phase 1: Information on quality of customer service Consultation” Publication date: 17 July 2008</p> <p>http://stakeholders.ofcom.org.uk/binaries/consultations/qos08/summary/qos08.pdf</p> <p>- e.g. Figure A5.1 below</p> <p>Figure A5.1</p> <table border="1"> <thead> <tr> <th></th> <th>TopComm secretariat, website, auditor</th> <th>Internal auditor</th> <th>Total pa</th> <th>One-off transitional costs</th> </tr> </thead> <tbody> <tr> <td>Current regime</td> <td>£7,000</td> <td>£12,000 - £30,000</td> <td>£19,000 - £37,000</td> <td></td> </tr> <tr> <td>New regime</td> <td>£8,000</td> <td>£6,000 - £30,000</td> <td>£14,000 - £38,000</td> <td rowspan="3">£250 - £7,500 per parameter⁴⁰</td> </tr> <tr> <td>New regime – 2 services</td> <td>£16,000</td> <td>£12,000 - £60,000</td> <td>£28,000 - £76,000</td> </tr> <tr> <td>New regime – 3 services</td> <td>£24,000</td> <td>£18,000 - £90,000</td> <td>£32,000 - £114,000</td> </tr> </tbody> </table> <p><small>⁴⁰ This range excludes one estimated figure from one provider we consider may be a significant outlier. We are asking for further evidence from providers as part of the consultation.</small></p>		TopComm secretariat, website, auditor	Internal auditor	Total pa	One-off transitional costs	Current regime	£7,000	£12,000 - £30,000	£19,000 - £37,000		New regime	£8,000	£6,000 - £30,000	£14,000 - £38,000	£250 - £7,500 per parameter ⁴⁰	New regime – 2 services	£16,000	£12,000 - £60,000	£28,000 - £76,000	New regime – 3 services	£24,000	£18,000 - £90,000	£32,000 - £114,000		<p>include:</p> <ul style="list-style-type: none"> - ACMA of Australia; - OFCOM of the UK; - TRAI of India - FCC of the USA; and - ECTEL of the OECS
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		<p>Pg 50 “Another regulatory approach is to set minimum performance standards...”</p> <p>- TATT is purporting to cite some authority in support of its proposal, please provide reference. TATT also speaks to minimum standards, which is correct. It is not to address what it believes are “high” standards.</p> <p>Pg 50 “Consumer surveys are also used in some jurisdictions for monitoring QoS and the general level of customer satisfaction.”</p> <p>- Correct to read “Customer surveys” and provide reference.</p>	<p>Correct to read “Customer surveys” and provide references</p>	<p>The Authority notes that “customer surveys” would be valid for assessing matters which are exclusively contract related. However, general opinion on overall quality of service of a network’s performance could be assessed from both customers and other consumers.</p>
		<p>Pg 50 “The Authority proposes to implement a system of minimum standards rather than allowing the industry to create its own standards through the force of competition. In markets of sufficient size and with effective competition, QoS should be determined by the market since there is no need for the regulator to set standards for QoS. In such a market, consumers only need to know the QoS performance of respective providers, with the complementary information on service prices and choices, so that they can make informed decisions. The Authority considers the small size of the market of Trinidad and Tobago as not conducive to a large number of operators, so competition is not developed enough to guarantee satisfactory QoS standards if these were set solely by industry.”</p> <p>- What qualifies as “sufficient size” etc? Markets are directly</p>	<p>Conduct requisite analyses</p>	<p>The Authority notes TSTT’s concerns. The Authority would like TSTT to note that “industry-size” is not only directly proportionate to the number of operators. Markets are defined by both the industry size and the size of the purchasing public.</p> <p>Also it should be noted that TSTT seems to ignore the precept that smaller markets with “even fiercer” competition may more quickly reflect the condition of “hyper-competition” where studies have shown a propensity for key sector outputs – including QoS – being sacrificed in the battle for</p>

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		<p>proportionate to the number operators.</p> <ul style="list-style-type: none"> - Markets which are smaller are thus finite and by that token competition will be even fiercer as QoS becomes a key strategic tool to be used in winning and keeping market share. - Is this sound economic theory? - By what analysis has the Authority come to such a conclusion? 		<p>market share while destroying economic value of the sector.</p> <p>The Authority is keen to ensure that hyper-competition does not take root in Trinidad and Tobago.</p>
6.1 Customer Related Quality of Service Standard	TSTT	<p>Pg 51 “Consumer-related quality of service ...” – Correct - only “customer”-related is valid.</p> <p>Pg 51 “The technical quality of service parameters most relevant ... for example, the ability of a public mobile telecommunications service consumer to establish or maintain connection to a called party without the call being dropped.” :</p> <ul style="list-style-type: none"> - This example is based on misinformation & creates an unrealistic expectation in customer’s mind since it implies that there will never be any dropped calls when in fact the industry recognizes and acceptable level of “dropped calls”. <p>Pg 52 “In developing Quality of Service (QoS) indicators, the</p>	<p>Correct statement</p> <p>Cite References</p> <p>Fixed time – remove generic &</p>	<p>The Authority does not agree.</p> <p>The Authority posits that the quality of service considerations identified in this section also impact parties who are not customers of the service provider.</p> <p>Noted. The statement has been deleted.</p> <p>The ITU-T and D Departments which</p>

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		<p>Authority relied on the recommendations made by the International Telecommunications Union (ITU) as international best practice” :</p> <ul style="list-style-type: none"> - Please cite references <p>Pg 52 “the Authority proposes that the QoS indicators and standards outlined in this policy document be reviewed from time to time...”</p> <ul style="list-style-type: none"> - The above comments refer - TATT needs to provide a fixed timeframe – a moratorium – suggest 3-5 years? - Change costs Concessionaires; again TATT is disregarding this economic reality and presuming upon service providers’ business and finances. 	wholly “discretionary” provision	<p>develop global sector standards and benchmarks in the Technical and Development spheres respectively, can be found at the following website: www.itu.int</p> <p>Noted. While the Authority agrees in principle with establishing consistency and predictability within this framework, it does not agree to having a fixed timeframe as proposed.</p> <p>The Authority believes that it should have the opportunity to adjust or amend a standard if there are significant shifts in either technology or the market which makes such an adjustment prudent.</p> <p>In this context the market participants will be part of the process of such amendment through the Authority’s normal consultative procedures.</p>
6.2 Customer Satisfaction Index	CCTL (FLOW)	<p>The Authority indicates that it intends to use customer satisfaction surveys as a way of gauging customer satisfaction. A notice put out by TATT in The Guardian on June 28, 2011 suggests that TATT may have commenced such surveys.</p> <p>TATT indicates that customer satisfaction indicators will be a key element of its quality of service monitoring framework and</p>	The development and use of any instrument to measure customer satisfaction, survey and or index, should be consulted on.	The Authority disagrees that it is required to consult with stakeholders on either the scheduling or content of surveys targeting the customers and consumers of telecommunications or broadcasting service products in the market. The Authority is of the position that the design and

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		<p>that it intends to design a methodology for creating a customer satisfaction index. This index will be based on periodic customer satisfaction surveys plus other indicators. The Authority also speaks to the limitations of such indices in measuring qualitative aspects of the customer experience, but that they may be suitable to monitor service quality from the consumer perspective.</p> <p>Based on the above, CCTL is unclear on how TATT intends to proceed on these issues and is requesting clarifications as follows,</p> <ul style="list-style-type: none"> i. Whether the survey advertised in Trinidad and Tobago Guardian of June 28, 2011 is intended to be part of the process to develop a customer satisfaction index. ii. At what point will service providers be allowed to have an input on this issue. <p>CCTL would be very concerned if TATT either intends to publish the results of the survey it is currently doing and or intends to use it as the basis to develop a customer satisfaction index. This is because there have been no consultations on these issues. If TATT intends to publish the results of a survey to inform customer behavior, service providers should be allowed visibility of the survey instrument, the processes around the survey, and the analytical framework around the analysis of the results etc.</p>		<p>implementation of Surveys are not under the statutory obligation of §78 of the Act.</p> <p>Any framework produced as a result of QoS surveys conducted by the Authority may then be open for consultation to ensure the transparency of relevant framework to be published.</p> <p>The Notice and Survey to which CCTL refers was not in relation to the customer perception of telecommunications and broadcasting services. The Survey in question was with respect to the consumer's perception of TATT.</p> <p>The Authority disagrees as the design and implementation of Surveys are not under the statutory obligation of Section 78 of the Act.</p>

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		<p>We would have the same expectation regarding the development of a customer satisfaction index. We note there has been no consultation on either of these issues, and would urge the Authority to ensure transparency in the regulatory processes.</p>		
	TSTT	<p>TSTT questions whether this cost will come out of current Concession fees. The Authority must bear in mind the already significant fees currently paid, and that any added cost will ultimately negatively affect the consumer.</p> <p>It is further noted that the Authority at pg. 123 of the Document (Annex 1) appears to be seeking to establish standards for this issue. It is unclear what would be the effect of a concessionaire failing to meet the customer satisfaction index calculated by the Authority from its own survey. It is submitted that it would be grossly unfair for the Authority to impose any penalty for this issue and as such any policy in this regard should be completely removed.</p>	<p>Clarify funding</p> <p>The conduct of the Authority's Customer Satisfaction survey and the exact nature of the purpose the results thereof would be utilized should be clarified. In any event it is submitted that a concessionaire should not be penalized or otherwise negatively affected if it fails to meet the standards referred to by the Authority.</p>	<p>Surveys and other mechanism of monitoring and enforcement are and will continue to be financed by the operational budget of the Authority.</p> <p>Noted. It is not the intent of the Authority to ensure compliance of a concessionaire based on the Customer Satisfactory Index (CSI). The Indicator for the CSI has consequently been removed from the Annex.</p> <p>The results of the CSI would however inform the Authority of the relative strengths and weaknesses of sector participants which may guide the Authority's engagements with such participants via mechanisms such as the Consumer Complaints Committee among others.</p> <p>The Authority believes that the ultimate indicator of customers' satisfaction is evident in market share and commercial performance.</p>

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<p>6.3 Compliance with Consumer Related Quality of Service</p>	<p>CCTL (FLOW)</p>	<p>The Authority has outlined four approaches it intends to apply to ensure compliance with consumer related QoS. These are publication of performance against standards, provision of rebates, incentive based and enforcement. However the Authority does not provide any details on how the compliance approaches would work. CCTL is requesting that TATT provides further information on the proposed compliance approaches.</p> <p>This will allow respondents to provide views / comments etc on the details of such proposals. Essentially these are issues that should also be subject to consultation. This is one area of the policy that lacks specifics. CCTL views this as a critical deficiency of the policy. We have serious questions as to how the system will work. If the compliance systems are not defined and agreed, there is a real risk of TATT requiring copious reports from service providers, at substantial costs to market and not being able to deliver any benefits to the market as it is unable monitor compliance.</p> <p>On the customer remedy approach which involves providing rebates to customers where standards / commitments fall below agreed levels, CCTL is aware of such schemes, but these are usually more driven by the industry via corporate commitments</p>	<p>TATT should provide further details on the proposed compliance methods and allow consultation on the approaches.</p> <p>TATT should also clearly demonstrate how the system would deliver benefits to the market.</p>	<p>As is the precedent in markets such as the UK, the Authority intends to aggregate the information collected and publish reports that would provide the basis communications strategies geared to improving customer information.</p> <p>However, with respect to minimum criteria established in these Regulations, the Authority proposes in the revised CROP a schedule of escalated enforcement for consistent breaches of these standards.</p> <p>The Authority has elaborated on the benefits of this approach in the earlier chapters of the CROP document.</p> <p>The Authority agrees that there should be efforts to limit onerous obligations on service providers, save to that proposed through self-regulation systems and/ or co-</p>

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		<p>under a customer charter for instance, rather than being driven by the regulator. We believe this approach would be preferably. Otherwise it would prove quite complicated for the industry to develop a compensation scheme for the entire industry. This is an area where self regulation is preferred.</p>		<p>regulatory frameworks such as an enforceable Customer Charter.</p>
	TSTT	<p>Pg 54 – Only “Customer” QoS is valid not “Consumer” – above comments refer</p>	<p>Correct statement</p>	<p>The Authority notes this comment, and refers to earlier responses on its view of the varying applicability of consumer and customer centric indicators.</p>
		<p>Pg 55 “ Statement on compliance with QoS standards. The Authority’s regulations shall establish the manner in which these reports are to be submitted by concessionaires” :</p> <p>The Authority should work with the various providers in developing this policy to arrive at realistic and plausible measures and reporting formats. Further, the issue of changes arises and a minimum period should be set before the Authority could revise reporting parameters or reporting formats or at least with the express waiver of same by Concessionaires affected. Impact Assessments are required.</p>	<p>Develop a firm policy for enforcement before consultation phase ends. It is impractical to develop policy in a vacuum without regard to effecting and managing same without properly articulated compliance rules and sanctions.</p> <p>Report formats should be developed and agreed with Concessionaires.</p>	<p>Noted and agreed. This consultation process is the appropriate forum for such recommendations to be proposed by Service Providers. Failure to make substantive recommendations at this time only jeopardizes the position of the reticent service provider.</p> <p>In any instance, with respect to minimum criteria established in these Regulations, the Authority proposes in the revised CROP a schedule of escalated enforcement for consistent breaches of these standards.</p> <p>An indication of the methodology for information collection is outlined in Annex I</p>

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				<p>of the CROP document.</p> <p>Notwithstanding same, the Authority shall endeavour to collaborate with industry participants to ensure that the form through which the information identified in CROP is collected is not onerous.</p>
			<p>Set a minimum period before the Authority could revise reporting formats or at least with the express waiver of same by Concessionaires affected.</p> <p>Impact Assessments are required.</p>	<p>The concern of impact to Operating Support Systems is noted.</p> <p>While the Authority does not agree for a minimum period of reporting formats, the Authority may consider a minimum notification period to the industry before a reporting format is adopted.</p>
Section 7 – CONSUMER RIGHT TO PRIVACY				
7.0 Consumer Right to Privacy	Public	<p>There is a major issue with privacy in recent times. With the FIU and various bodies being established by the State and the kind of equipment we have given the advances in technology...how are you positioned to protect consumer rights because what emerged last year and this year, and info was in the public domain, suggests to me that the regulatory authorities have not been doing their work, or if they could do the work, or where equipped, they didn't have the regulatory framework and the independence to address some of those issues. We need to ensure that people's privacy is protected with the adequate legislation. TATT needs to give its inputs to National Security because as an independent agency we need to protect citizen's</p>		<p>The Authority shall, within its jurisdiction pursuant to the Telecommunications Act, ensure that customer privacy is protected through establishing Rules and Codes of behavior such as those suggested by CROP.</p> <p>The Authority has included references to the Data Protection Act where relevant, signaling its intent to work with the Office of the Information Commissioner on developing such a framework for the telecommunications sector.</p>

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		privacy.		
	Mr. Richard Hamill Smith: Lopinot	Information concerning GPS or location services provided by TSTT can be misused by the GoRTT to track people. What in the document can protect people from the GoRTT? The Service Providers can give this information to National Security or sell the info to 3 rd parties. This is a privacy issue.		The concern of personal privacy is noted. However, this is an issue outside the remit of CROP, as it does not relate to the provision of public telecommunications and broadcasting services – the remit of the Telecommunications Authority.
	CCTL (FLOW)	The nature of the industry landscape given convergence and the pervasive use of information and communication technology in transactions with government and businesses and for personal communication raises a range of privacy concerns. We believe that a privacy policy should be informed by an overall industry policy. In this regard we note the recent passing of the Electronic Transactions Bill, work in progress on accompanying legislations and the drafting of the relevant regulations to support the laws. We believe that the development of a comprehensive privacy policy should be led the industry, as opposed to individual service providers. We absolutely believe that individual service providers should have a stated privacy policy but that this should be informed by an overall industry policy.	The formulation of a privacy policy should be harmonized with work currently taking place in the industry on law and regulations related to electronic transactions. Privacy policy should be led by the industry to inform the policies of individual corporate entities.	Noted. The Authority has included references to the Data Protection Act where relevant, signaling its intent to work with the industry and the Office of the Information Commissioner on developing such a framework for the telecommunications sector. Notwithstanding this, concessionaires are required to adhere to at least the General Privacy Principles outlined in §6 of the Data Protection Act.
	TSTT	Pg 58 The “Customer” has the right to privacy by virtue of a contractual relationship with service provider not “Consumer” – above comments refer	Correct	Noted. However, consumers in general should also be assured that the content of their

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				communications are not unduly monitored by service providers as required by the Interception of Communications Act, among others.
		<p>Pg 58 “In all instances, the Authority proposes that concessionaires should not be permitted to share, sell or disclose personal information collected from the consumer at the time of subscription.”</p> <ul style="list-style-type: none"> - Clarify – does this mean Name , address & tel# ? - “consumer” should be “customer” at this point in the consumption phase <p>Pg 58 “in the context of protection of consumer privacy” – correct to read “customer”</p> <p>Pg 59 “Statement on Consumer Privacy: Consumers have the right to have their... Such a policy should be included as an element of the published Consumer Charter” : <ul style="list-style-type: none"> – Correct to change “consumer” to “customer” </p>	<p>Clarify</p> <p>It is submitted that the Authority should review its position on this matter in light of the passage of the Data Protection Act and withdraw same as required.</p>	<p>“personal information” will have the meaning ascribed to it in the Data Protection Act, which includes, name, address, and contact information.</p> <p>Agreed with respect to “consumer”/ “customer” applicability at this stage.</p> <p>With respect to subscriber information, the Authority agrees that many of the protections of the Data Protection Act will only apply to customers. However please note the comment above about assurances regarding the privacy of content of communications as provided for pursuant to the Interception of Communications Act.</p> <p>Noted.</p>

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		<p>The Authority's position on this issue should be clarified. It is noted that the Data Protection Act No. 13 of 2011 which was recently passed and is currently awaiting proclamation addresses the issues of privacy in Trinidad and Tobago. It is noted that the Data Protection Act defines "personal information" include inter alia "the address and telephone contact number" of an individual. Further Section 69 thereof requires persons (including concessionaires) to follow the General Privacy Principles referred to in Section 6 thereof which requires persons who handle, store or process personal information of another person to inter alia, be responsible for such personal information and protect same by appropriate safeguards.</p> <p>It is submitted that initiative of the Data Protection Act closely resembles that of the Authority on this issue. It must be appreciated that should the Authority's requirement for a Privacy Policy (as approved by the Authority) be implemented pursuant to a Regulation, Concessionaires would then be required to satisfy and comply with the requirements of both the Information Commissioner and the Authority. Needless to say this is unnecessary and inefficient but also would mean that in the case of any breach thereof a Concessionaire could be liable not only under the Data Protection Act but also the Regulation.</p> <p>It is therefore, strongly recommended that the Authority not only review its position on this issue but also withdraw same.</p>		<p>Agreed.</p> <p>The Authority's intention is that the sector develops codes of conduct in alignment with that proposed by the Data Protection Act. Indeed, Section 71(2) of the Data Protection Act provides for the Commissioner to work with industry regulators (such as this Authority) in developing such Sector Codes. These provisions are based on effecting such a relationship between the Authority and the Information Commissioner.</p> <p>At this stage, the Authority is obliging concessionaires to prepare Codes of Privacy,</p>

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				<p>without adjudicating on their status under the Data Protection Act. Upon the establishment of the Information Commissioner, that Office will determine whether any particular aspects of the Codes proposed should be mandatory or not.</p> <p>The Authority does not agree that this causes an overlap in jurisdiction that is detrimental to the orderly administration of the sector</p>
<p>7.1 Calling Number Display</p>	<p>TSTT</p>	<p>Pg 59 “CND services raise certain complex problems related to personal privacy. For example, when integrated with other technologies...”</p> <p>- Please clarify what TATT expects of the service provider in this regard? Indeed this is not plausibly within the providers power to manage.</p> <p>Pg 60 “Measures to be undertaken by service providers to ensure that the public is aware of CND services and their implications.”</p> <p>- TSTT asserts that this imposes obligations on service providers without regard to impact on business</p> <p>Pg 60 “Additionally, when the customers are contacted via means other than voice calls (for example by text message) all relevant identification information of the concessionaire (including name and number) must be transmitted and displayed</p>	<p>Please clarify</p> <p>Please remove</p> <p>Please clarify</p>	<p>No obligation was proposed in the paragraph cited. The discussion at that point simply outlined the general overlap of CND and the question of personal privacy.</p> <p>No particular obligation was proposed in the paragraph cited.</p> <p>Noted. The Authority is of the opinion that in the instance of bulk SMS services, that the provider of the service should identify themselves in the bulk e-mail. A new</p>

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		<p>to the customer.”:</p> <ul style="list-style-type: none"> - TSTT requests clarification as to how does this relate to SMS short codes 		<p>Section 7 is proposed in the revised CROP identifying obligations of users which may treat with the concern raised here.</p>
7.2 Customer Proprietary Network Information	TSTT	<p>Pg 61 “Concessionaires should include provisions in their contracts with customers that protect consumers from disclosure of Customer Proprietary Network Information (CPNI).”:</p> <ul style="list-style-type: none"> - Clarify what is meant here - Correct “consumers” to read “customers” 	Please clarify and correct	<p>This intention is to restrict the sale of customer’s usage patterns to third parties without the authorization of the customer.</p> <p>Since such information may be used to establish profiles of the individual customer that could be deemed “sensitive personal information,” this section is an extension of the provision of information that may be deemed personal under the Data Protection Act.</p>
7.3 Telemarketing	Mr. Richard Hamill Smith: Lopinot	<p>SMS advertising messages are being sent 10pm in the night. There should be an option in the SP contract not to receive advertisement messages.</p>		<p>Where the SMS message in question is initiated by the Service Provider, the Authority shall ensure that the CROP Framework reinforces Condition C18 of the Concession document.</p> <p>Where the SMS message in question is initiated another customer, the Authority proposes in the amended CROP to establish general guidelines with respect to the proper use of such automated messaging systems by users as well.</p>

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	TSTT	<p>Pg 62 “Telemarketing techniques generally have low response rates... Conventional experience and popular culture suggest that the general public has a negative attitude towards the practice of telemarketing.”</p> <p>Pg 62 “Automatic recorded voice mechanisms are not utilized to call the home of any consumer without prior authorization” - This can only be done with a “customer” under a contractual relationship with a provider...to assert same with a “consumer” i.e. anyone in the market regardless of a relationship with a service provider results in an absurdity.</p> <p>Pg 63 “Once a consumer has informed an agency that he or she does not want to be contacted, any agency that ignores this request is liable to real and significant penalties.” : - Providers have a right to know in advance what penalties they are subject to.</p> <p>Pg 63 “Telemarketers do not send unsolicited fax advertisements/messages to consumers, as the receipt of unsolicited fax messages could incur cost (consumables) to the consumers.”: - Above refer</p>	<p>Please provide references</p> <p>Please advise on what basis</p> <p>Does TATT have the power to apply this provision to telemarketers who are not Concessionaires</p>	<p>The comment on the accuracy of the statement is noted. The Authority has redrafted this statement.</p> <p>The ongoing concern about the use of “consumer” and “customer” is noted. The Authority suggests that “customer” is the appropriate beneficiary of the cited clause.</p> <p>Noted and agreed. Also, the reference to “consumer” is amended.</p> <p>This is a relevant question which is hinted at in the section. The section will be redrafted to more accurately reflect the issue and the Authority’s appropriate powers to treat with same.</p> <p>Further the Authority is proposing the insertion of a new section to CROP which</p>

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		<p>Pg 63 “Trans-national inbound telemarketing practices are managed in a similar manner as local telemarketing practices.”: - Is this practicable?</p> <p>Pg 63 “A concessionaire should use their best efforts to ensure that their networks are not used to initiate any telephone call using an automatic telephone dialling system or an artificial or pre-recorded voice to any number which is designated as an emergency telephone line.” This should have been removed in last DoR</p> <p>Pg 64 “Internal policies should be such that included numbers are kept on the list for a minimum period of eighteen months” - TSTT asserts that this is unreasonably long and proposes a shorter period (6 months) as obtains in the Concession - Telemarketing is an important marketing tool, does TATT presume to stymie a provider’s marketing strategy?</p>	<p>Please consider reducing term</p>	<p>reaffirms that such behavior is discouraged by any customer. The intention is that the definition of such behavior as inappropriate may facilitate the insertion of such provisions as customer terms of service of their contracts.</p> <p>Noted.</p> <p>Noted and agreed.</p> <p>Noted and agreed. The Authority does not presume to stymie a firm’s marketing strategy in general. With respect to concessionaires, the obligation seeks a balance between the commercial imperative and the threat of harassing the customer.</p>
7.4 Prank and Obscene Calls	CCTL (FLOW)	Within the context of convergence, provisions should also be made to cover other identifiers such as IP addresses. These	This should also cover other identifiers such as IP addresses.	Noted. The Authority looks forward to CCTL’s cooperation in determining how this

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		issues could be covered as part of the privacy policy developed for the entire industry.	This should be included in privacy policy developed for the entire industry.	will be effectively executed.
	TSTT	Pg 67 "When an unsolicited call is identified as originating from a particular service provider's network, the respective concessionaire should also make every reasonable effort to identify and deal with the source of the obscene or harassing call. The concessionaire should inform the consumer of steps that can be taken to prevent or put an end to obscene calls when they take place, including telling the consumer about the potential role of the Police Service where relevant."	This is a matter for the appropriate authorities. Please revise.	Noted and agreed. This section has been revised accordingly.
	Public	We need to be serious when dealing with harassment and crime when protecting the consumers. People who are doing these things need to be punished and we need to ensure enforcement procedures are implemented. Can we make our Act more stringent to deal with this type of problem?		Treatment of harassment is the remit of the Police Service since it is that agency which has the powers necessary to obtain information from the Service Providers.
Section 8 THE CONSUMER'S RIGHT TO FAIR BILLING PRACTICES				
8 The Consumer's Right to Fair Billing Practices	TSTT	Pg 701 "Customer" not "Consumer" : - Above comments refer	Please correct	Noted. This shall be adjusted in the context of the prior stated understanding of when each term is applicable.
8.1 Billing Information	CCTL (FLOW)	A key advantage of the use of information and communication technology (ICT) is its adoption in the provision of services in all sectors of the society.	Policy positions should support the use of ICTs in business to consumer and consumer to business transactions, and seek to educate customers to the benefits	Noted, the Authority agrees with the caveat that there should be recognition that not all customers or consumers have access to basic and advanced ICT services. Accordingly, the framework will always encourage at least mechanisms that treat with such parties,

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		<p>We believe that as companies and entities within this sector, policies should encourage the adoption of ICTs in business processes. Over time this should serve to reduce cost and increase productivity. In this context we do not agree with including a requirement in the policy for mandatory printing of bills. For example where a customer requests that bills be sent by email only or made available on-line, [and more and more business customers are making this request] the industry should embrace this and not force providers to more costly and less efficient options if this is not necessary.</p> <p>Further, as mentioned in another section, using email and online options to get bills to customers will serve to eliminate issues of timeliness of receiving printed bills via post. This will also serve to embrace the environmentally friendly trend of 'going green'.</p> <p>TATT has listed a range of items to be included on the bill including information such as the length of the payment window; details of applicable penalties for late payment; locations of any external payment centers; and potential time lags associated with payments via external agencies. While we believe that customers should be made aware of information, we do not believe that it is practical to have all this information on</p>	<p>of the use of the technology.</p>	<p>thus the continued obligation to produce periodic paper bills.</p>

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		<p>the bill. Other medium for providing this information include Terms and Conditions of Service / Service Contract, corporate web sites and notices in Customer Service Centers. Here again we believe the policy is unnecessarily prescriptive.</p>		
<p>8.2 Billing Cycle and Late Payment Penalties</p>	<p>CCTL (FLOW)</p>	<p>In the ‘Statement on Billing Cycles’ TATT suggests that <i>“The concessionaire should take all best efforts to ensure that bills are printed as soon possible at the end of a billing cycle, delivered as soon as possible and in any instance, no more than three days after generation.”</i></p> <p>With respect to the three day time frame for delivery of printed bills, a critical dependency is the mailing system. We can commit to sending the bill out on time, but cannot guarantee that they will reach the customer within the 3 days timeframe. To address this we have provided other facilities to allow customers to access information on outstanding balances for bill payment purposes. Customer can access account balances online or via a call to Customer Care Centers. As indicated earlier, we believe in areas such as these ICTs can be use to improve the customer experience.</p> <p>This will also support the country’s aspirations with respect to the use of information technology.</p>	<p>Where bills are delivered via post, delivery standards are dependent on the mailing system. Minimum standards should not apply to this activity.</p>	<p>TATT disagrees. Every utility treats with the timely delivery of bills to customers using the same mailing system, without prejudice.</p> <p>As a compromise, the Authority proposes to extend the deadline stipulated from three days to five days.</p>
<p>8.3 Free Itemized Bill On Demand</p>	<p>CCTL (FLOW)</p>	<p>CCTL agrees that customers should be provided with itemized details of all charges. This is one area of business process where the use of ICTs e.g. providing billing information online or via an email can serve to reduce cost and improve overall</p>	<p>Where bill details are provided in online or related format and customers require the details in printed format, customers should</p>	<p>The Authority disagrees. To ensure alignment with the Universal Service Framework where “free itemized billing” on request is identified as an aspect of basic</p>

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		efficiency. Therefore it is our considered view that where bill details are made available to customers online or using other related medium, and customers require printed bill details, the printed information should be provided, but at a cost recovery fee. This approach is necessary to ensure that businesses can realize the efficiencies to be gained from the application of ICTs. This will drive competitiveness within the industry.	pay a fee for the details in printed format.	telecommunications service, the Authority cannot accede to this recommendation. Further, it must be recognized that not all households have the benefit from Internet access, as such the recommendation would be discriminatory against such households.
	TSTT	Pg 74 -75 “complain” = “complaint?” ; “amonst” = “amongst”; “tellecommunications” = “telecommunications”	Correct Typos	Noted and corrected.
8.4 Disconnection of Service	CCTL (FLOW)	It is standard business practice across all service industries to provide services based on specified Terms and Conditions of Service (T&Cs). This scope covered by such Terms and Conditions are addressed in previous sections of this document. Conditions that precipitate service disconnections are normally outlined in such T&Cs. CCTL does provide customers with T&CS for the services they take from us. As is our current practice we believe that conditions and processes related to disconnection of services should be outlined in T&Cs. Disconnection should observe the process as per the T&Cc.	The basis for service disconnection should be provided as part of Terms and Conditions of Service.	Agreed. The Authority has adjusted the provision to remove the specific stipulations, but instead the revised CROP requires that the relevant process is outlined in the published Customer Charter. Further, the CROP proposes to provide for the provisions of section 24(2)(i) of the Act in this regard.
	TSTT	Pg 76 “ For instance, a warning should first be issued to the customer, specifying a period of time to comply (e.g. make a bill payment).” : - The Authority is advised that this notification is a courtesy	It is recommended that the Authority therefore remove this provision in its entirety.	Noted. The Authority has adjusted the provision to remove the specific stipulations, but instead the revised CROP requires that the relevant process is outlined in the published Customer Charter.

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		NOT mandatory and should remain a purely business decision.		Further, the CROP proposes to provide for the provisions of section 24(2)(i) of the Act in this regard.
8.5 Termination of Service	CCTL (FLOW)	<p>As with disconnection of service, service providers normally include clauses related to terms and conditions for the disconnection of service.</p> <p>As is our current practice we believe that conditions and processes related to termination of services should be outlined in T&Cs. Disconnections should observe the process as per the T&C. In this way, service providers would have the flexibility to employ systems and processes that best caters to the varying needs of its customers.</p> <p>TATT will have an opportunity to monitor the process through the review process for T&Cs plus the dispute processes.</p> <p>With respect to the medium through which information re service disconnections is communicated, CCTL believes that this should be left to the discretion of the service provider. The more important issue is for customers to be made aware of the options available. Further, within the context of the developing information economy which is premised on the pervasive use of information and communication technology in transactions across all sectors of the economy, CCTL believes that policy direction should embrace this trend. To make it policy for requests for service terminations to be done only on written requests and to say that</p> <p><i>"...where no written requests have been sent to verify that</i></p>	The policy should allow flexibility for service termination requests to be communicated in different ways including written requests.	<p>Agreed. The provision with respect to service termination has been simplified to provide for adequate flexibility by the service provider in determining the appropriate customer care mix as their branding may demand.</p> <p>Notwithstanding this enhanced flexibility the revised provisions maintains some minimum obligations of the service provider with respect of the treatment of any outstanding credits associated with a terminated account.</p>

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		<i>termination is desired; the service provider should continue to provide the respective service</i> " we believe is contrary to developing business trends and not necessary.		
Section 9 THE CONSUMER'S RIGHT TO PROTECTION FROM UNFAIR AND UNETHICAL BUSINESS PRACTICES				
9.2 Unfair Business Practices: Slamming	CCTL (FLOW)	CCTL understands the concept of slamming to be relevant in the context of Carrier Selection and or Carrier Pre-selection. CCTL reserves the right to provide comments in any future process on this issue.		Noted. The Authority looks forward to CCTL's comments in this regard at that time.
9.3 Unethical Practices: Cramming	CCTL (FLOW)	See comments provided in 8.3 Free Itemized Bill On Demand.	Where bill details are provided in online or related format and customers require the details in printed format, customers should pay a fee for the details in printed format.	The Authority disagrees. To ensure alignment with the Universal Service Framework where "free itemized billing" on request is identified as an aspect of basic telecommunications service, the Authority cannot accede to this recommendation. Further, it must be recognized that not all households have the benefit from Internet access, as such the recommendation would be discriminatory against such households.
Section 10 THE CONSUMER'S RIGHT TO COMPLAINT REDRESS				
10 The Consumer's Right to Complaint Redress	Public	Is there a tracking mechanism issued to the public so that a complainant can see the progress of their complaint being resolved?		The Authority agrees that consumer complaint response time is vital for the customer. It is recommended that Service Providers create tracking mechanisms for consumers to monitor their complaints' status, and such is

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				reflected in the revised policy statement in the CROP.
10.2 Toll Free Customer Service Lines	Mr. Richard Hamill Smith: Lopinot	<p>There should be a clause in the document to give consumers some redress from the disruption of services.</p>		<p>This is addressed in “The Consumer’s Right to Complaint Redress”.</p> <p>The Authority has included a procedure for all complaints including service disruption. The specific of the redress provided will vary between service providers and be reflected in their Customer Charter.</p>
	CCTL (FLOW)	<p>CCTL understands the customer benefits of providing toll-free customer care service lines, we also understand that this comes at a cost which in the end is borne by the final customer. Currently individual service providers in this market allow only customers on their network to access their toll free customer care lines free of charge.</p> <p>The key factor that drives this approach is one of cost. TATT alludes to this issue when it states that “<i>All costs associated with the provision of the toll free service (including interconnection costs) shall be borne by the concessionaire providing the relevant service to the customer.</i>”</p> <p>CCTL believes that in the fixed voice market in particular, the proposal to provide toll free lines for the customer service function puts new market entrants at a significant disadvantage vis a vis the incumbent provider. The reality is that with TSTT remaining dominant in the fixed voice market, most of our cable and data customers would be TSTT voice customers. As such,</p>	The provision of toll free calls to customer service centers should be left to the discretion of the service provider.	The Authority is of the view that the proposed obligation is to provide a toll-free number to that service provider’s own customers on its own network. The Authority continues to believe this a reasonable request.

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		<p>to force CCTL to provide toll free numbers to its customer service centers would essentially be creating additional revenues for TSTT, as TSTT would be assured of additional interconnection revenues from toll free calls from their network to CCTL's customer care centers. This would be extremely unfair as it would not only create new revenues for TSTT but also drive up our cost base.</p> <p>Further CCTL has not been allowed a level playing field in the market because of unavailability of regulatory tools such as number portability.</p> <p>Another unfair advantage that TSTT has is the anti competitive position of very high retail prices for off network call to our network. For example calls from TSTT to Flow's network are billed at 40 cents per minute. This is close to six times the underlying cross network charge and also significantly above the price for on net TSTT call.</p> <p>We believe that the development of the market would be better served by addressing the issues raised above.</p>		<p>CCTL's request for number portability is acknowledged. The authority is currently in the process of facilitating the establishment of such a system – an effort in which CCTL is part.</p> <p>Noted. To clarify, is CCTL recommending the Authority consider regulating retail interconnection charges?</p>

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		<p>In order to minimize the cost to our customers, Flow's interactive voice response (IVR) system provides an option for customers to leave a voice message with a call back number if they do not wish to remain in the queue. An increasing number of customers use this option. Flow is dedicated to finding ways to minimize cost to our customers and to create greater customer value.</p> <p>CCTL does not believe that TATT should regulate the provision of toll free numbers. This is another area where we believe TATT is being very prescriptive. Such decisions should be left to the discretion of the service provider. In the final analysis the cost of providing toll free number will be borne by the final customer.</p>		<p>Noted. Nothing in the obligation to offer a toll-free service line suggests that the IVR system cannot be used in conjunction with the toll-free line.</p> <p>Noted. However the Authority does not agree. At this time the Authority believes that customers should be offered multiple channels through which service providers can be engaged.</p> <p>CCTL's argument would be strengthened should it refer actual costs to the Authority to facilitate its analysis of the concern raised.</p>
10.3 Complaints Handling by Concessionaires	TSTT	<p>Pg 89 "Customer" is used interchangeably with "Consumer" – above comments refer</p> <p>Pg 92 "Concessionaires are therefore required to develop and enforce a comprehensive complaint handling process" - This should be done by Concessionaires themselves (see last DoR)</p>	<p>Correct terms</p> <p>Please amend to reflect changes from DoR</p>	<p>Noted. The section has been reviewed.</p> <p>The Authority agrees that the concessionaires ought to develop a comprehensive process, however it also believes that the timeframes associated with that process should not be overly extended, as provided for in the indicators proposed.</p>

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		<p>Pg 92 “The Authority considers that concessionaires should adhere to the following principles when developing their complaints and dispute resolution process:</p> <p>There shall be a commitment to efficient and fair resolution of complaints by people in the concessionaire’s organization at all levels, including the concessionaire’s Chief Executive Officer(s) and ruling body, and this should be demonstrated by an organizational culture which acknowledges the right of consumers to complain and which regards complaints as an opportunity to improve its service offerings.”: TSTT considers that this is an internal business policy decision.</p> <p>Pg 93: Re: Consumer Complaints Resolution timeframes: TSTT asserts that the provision in the Concession is reasonable and practicable.</p> <p>TSTT agrees with the Authority that this framework is important in providing a satisfying consumer experience. With this in mind, TSTT finds that the proposed seven (7) day carte blanche complaint resolution time is impractical given the fact that the nature of complaints can differ e.g. a complaint requiring outside plant intervention can take significantly more than just seven (7) days.</p> <p>Realistic time frames need to be set, upon further consultation</p>	<p>Please remove statement</p> <p>Retain Concession provision</p>	<p>Noted. This statement has been modified so as not to unduly impinge upon internal business policy.</p> <p>The Authority notes TSTT’s recommendation. However, it should be noted that the cited the Concession Condition deals with success rates, rather than timeframes for resolution.</p> <p>TSTT’s comment is noteworthy. However it is unfortunate that the firm did not utilize this consultation process as a forum to recommend an alternate timeframe. As it stands, the Authority is guided by our research and deliberations, as well as the consideration that with the advancement in technologies, timeframes for complaint</p>

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		with Concessionaires, lest the very objective of consumer satisfaction be compromised.		resolutions should be reducing. In the medium to long term, the Authority will continue to engage the industry to better define the benchmarks associated with complaints resolution (as opposed to fault resolution) in future iterations of this Framework once established.
10.4 Maintenance of Consumer Complaints Records by Concessionaires	TSTT	According to provision C13 of the Concession “The concessionaire shall keep for a period of at least one (1) year, records from any metering or billing equipment, and related customer data, and shall provide to the Authority, in such form as the Authority may reasonably specify, copies of such records. The foregoing shall not apply to accounting records including copies of all customer bills issued by the concessionaire, which shall be kept for a period of at least four (4) years”. Please retain provision as per Concession.	Maintain the provision of the Concession.	The Authority disagrees. Particularly in the context of Billing information, which has a fiscal component, the Authority is mindful of the statutory limit of four years that applies to financial records. This effectively establishes a statute of limitations on the review of such records for the purpose of audits and similar investigative reviews. This timeframe is applied so as to ensure that were the Authority request information pursuant to an investigation within that effective period, the concessionaire will be capable of complying However, this revised period would be augmented by the submission of records confirming the closure of all complaints within a one year period.

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10.5 Complaint Handling by the Authority	TSTT	Pg 96 "A complaint may be lodged with the Authority when: no effort was made by the service provider to resolve the complaint; attempts by the complainant to contact the service provider have proven unsuccessful." - It is recommended that the Authority clarify exactly how this will be established.	Please clarify.	As provided for currently, the Authority will seek documentary evidence of communication between both the service provider and the complainant (e.g. complaint tracking number, copy of letter mailed or submitted to the service provider). The Authority first seeks to mediate the concern before escalation to other fora.
	Scarborough Upper Lions Club	There is usually unreasonably long waiting time for responses to trouble reports.	Enhance consumer satisfaction through: Addressing trouble reports within 48 hours including replacement CPE until the problem is resolved	While the Authority notes the recommendation and the frustration that may have led to it, such a "one-size fits all" may not be applicable across the gamut of telecommunications services – consider, for example, CPE problems may not be the source of the trouble report. Further depending on the nature of the fault or complaint, 48 hrs may not be a reasonable timeframe for any firm to mobilize and complete the resolution of all complaints/faults. In this context, the CROP obliges the service providers to establish both their "Customer Charter" and the "Customer Complaints Handling Procedures" which should between them provide adequate coverage of the

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				matters raised.
10.6 Availability of TATT Complaints Form	CCTL (FLOW)	The Authority is proposing to require Concessionaires to place and maintain a display booth with TATT Complaints forms at customer service locations. CCTL views this as unnecessary. CCTL already displays TATT Complaints forms at its customer locations and does not see the need for increased infrastructure such as the TATT booths as proposed by the Authority.	The display arrangements regarding TATT information e.g. complaints forms should be left to the discretion of the service provider.	Noted. This obligation has been removed.
	TSTT	Pg 98 "It is hence proposed that concessionaires be required to display and provide the Authority's complaint forms at all public offices, sales centers and authorized dealers, and any other location in which there is exclusive concessionaire-consumer contact.": - Should have been removed ; See DoR fm Round 2	Please remove.	Noted and agreed. This obligation has been removed.
Section 11 CONSUMER OBLIGATIONS				
11. Consumer Obligations	The Office of the PM	Does the document address the obligations of consumers in using a telecoms service?		This is indeed addressed in the document.
	CCTL (FLOW)	In addition to the obligations mentioned by TATT, the Terms and Conditions of Service would contain information on consumer obligations.	For consumer obligations, the customer should also refer to the Terms and Conditions of Service.	The Authority identifies in the revised CROP certain consumer actions which are deemed to have negative impact on the sector. The service providers may include such actions in their own terms and conditions with respect to appropriate consumer use.

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11.6 Dishonest Churning	Mr. Cagney Casimire	Dishonest churning: No one should sign a contract and then have their info shared with another Service Provider. No Service Provider should share a customer's information with another Service Provider.		Noted and agreed. The maintenance of privacy information pursuant to the Data Protection Act refers. Notwithstanding same, there may be instances (e.g. credit rating reports) where information sharing will be warranted, particularly for post-paid services. However in these instances, the service provider would still require the affirmative consent of the customer for the sharing of certain information.
ANNEX I: QUALITY OF SERVICE INDICATORS				
13.1 Summary of Indicators and Standards Levels	TSTT	Pg 109 - Table re: "short, medium & long term" definitions – TSTT considers that these periods are unreasonable in the current market context and further consultation is needed re: establishing workable and practical implementation timeframes. TSTT notes the Authority's proposed reporting requirements appear to be increasingly burdensome, which may have the unintended effect of increasing the cost of doing business without necessarily adding value to customers. It is submitted that rather than the ad hoc changes being proposed requiring concessionaires to incur costs and changes in processes to facilitate reporting, it is suggested that changes should be	It is recommended that that the Authority establish a working committee . Develop process in concert with Concessionaires Please amend accordingly	Noted. This consultation is the process which concessionaires may make initial recommendations. This comment was made prior and is duly noted. However, as mentioned prior it is anticipated that a service provider would measure such metrics as an aspect of its operational management framework.

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		<p>amended rather every 3 years. Above comments also refer.</p> <p>Pg 110 Re: geographic reporting : See DoR Round 2 – TSTT considers that the decision to further consult with concessionaires on this is not adequately represented herein being reduces to a footnote:</p> <p>TSTT proposes the suspension of KPI (see OUR consultation) in the case of any <i>force majeure</i> event as per the below:</p> <p>“Quality of Service Standards and Guidelines for the Telecommunications Sector A Consultative Document (25th October, 2010”</p> <p><i>“The OUR may suspend the requirement to report measurements when, despite the diligence by the large service providers, the ability to report measurements is impaired or the measurements that could be reported would not represent the quality of service normally offered, because of:</i></p> <ul style="list-style-type: none"> - <i>Natural disasters,</i> - <i>Civil unrest</i> - <i>Vandalism or theft</i> - <i>Industrial disturbances</i> - <i>Wars</i> - <i>Arrest or restraint of the Government of Jamaica</i> - <i>Economic embargoes against Jamaica</i> - <i>Fires or explosions</i> - <i>Breakdown of telecommunications outside of Jamaica”</i> 		<p>Noted. This recommendation seems to have merit. This caveat shall be included in this section.</p>

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13.2 Customer Service Indicators	TSTT	<p>Further the Authority is guided to Ofcom's recent "Quality of Service research report" - 13th July 2010, found at http://stakeholders.ofcom.org.uk/consultations/topcomm/qos-report/ referencing its Annual Plan in which it is stated: "It is important that Ofcom focuses on those QoS issues we know matter to consumers and where our intervention is likely to have the most impact. We are therefore undertaking a two year programme of research".</p> <p>TSTT queries whether TATT has indeed undertaken any study to determine the relevant QoS parameters or whether providers would be required to bear the significant burdens of meeting KPIs which, it is submitted, may have not been established based upon empirical analysis. In the interim it is therefore submitted that the requirements contained in Schedule F of the Concession be maintained pending the completion of such analyses.</p> <p>Also, as has been TSTT's experience in the recent past regarding the "Annual Market Data" reporting format, the Authority has opted to change KPIs when it so chooses without regard to the fact that IT systems and processes were put in place, at significant cost, in order to facilitate the mutually agreed upon reporting criteria. Reference is made to Ofcom's approach whereby they sought to quantify the costs associated with the various options outlined in the equivalent consultation: "Review of quality of service information -Phase 1: Information on quality of customer service Consultation" http://stakeholders.ofcom.org.uk/binaries/consultations/qos08/s</p>	<p>It is submitted that it is critical that the Authority conduct proper analyses to determine meaningful KPIs, as well as, provide a moratorium on the revision of KPIs for a mutually agreed upon period.</p> <p>It is further recommended that the Authority actively consult and collaborate with service providers to determine compliance costs and develop realistic KPIs, timeframes and cost recovery mechanisms accordingly.</p>	<p>The Authority notes and agrees in principle to the suggestion of ongoing collaboration and assessment of the KPI framework to ensure relevance to all stakeholders. In this regard, the Authority looks forward to TSTT and other concessionaires utilizing this consultation process to submit necessary data to support such analysis. As always, such information may be protected by the provisions of A29 of the Concession upon request.</p> <p>These KPI's shall, in most instances conform to those outlined in Schedule F of the Concession.</p> <p>This consultative process is indeed intended to be active collaboration with service providers and industry stakeholders into realistic KPI's and timeframes.</p> <p>A major expected output of this process by the Authority is service provider feedback on specific KPI's, the relevance of same and the ability of respective service providers to measure an report on the KPI's in the specified timeframes.</p>

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		<p>ummary/qospes.pdf</p> <p>TSTT respectfully submits that there should be proper analyses to determine meaningful standards and KPIs, cost recovery mechanisms and a moratorium on the changing of KPIs only after a mutually agreed period. In this regard it is suggested that these KPIs be amended at least once every three years. To continue reviewing these KPIs on an ad hoc basis will place the concessionaire in significant expense to amend developed IT systems processes and procedures.</p> <p>It is submitted that the Authority should lean to more ex-post rather than ex-ante regulation on this issue. In that regard the Authority again referred to the example of Ofcom as follows: "Impact Assessments form a key part of the policy-making process and provide a transparent way of considering different options for regulation, including <i>not regulating</i>.</p> <p>Why is Impact Assessment important?</p> <p><i>1.1 The decisions which Ofcom makes can impose significant costs on our stakeholders and it is important for us to think very carefully before adding to the burden of regulation. One of our key regulatory principles is that we have a bias against intervention. This means that a high hurdle must be overcome before we regulate. If intervention is justified, we aim to choose the least intrusive means of achieving our objectives, recognising the potential for regulation to reduce competition....</i></p> <p><i>"The option of not intervening...should always be seriously considered. Sometimes the fact that a market is working</i></p>	<p>It is recommended that the Authority establish a Working Committee comprising key stakeholders including Concessionaires and customers to ascertain the relevance of these KPI's and the impact on concessionaires in the compliance thereof.</p> <p>The Authority is referred to the Ofcom example referenced.</p>	<p>It is thus incumbent on concessionaires to maximize <u>this</u> opportunity to provide meaningful feedback in <u>this</u> forum. Without such contributions at this stage to materially move the discussion forward, the Authority would have little impetus to further engage the service providers in Working Committees as recommended.</p> <p>However, should service provider feedback within this consultative process be more directed and specific, the Authority would be encouraged to establish a standing collaborative forum through which these KPI's, and their impact and relevance to the sector, are reviewed.</p>

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		<p><i>imperfectly is used to justify taking action. But no market ever works perfectly, while the effects of...regulation and its unintended consequences, may be worse than the effects of the imperfect market" Better Regulation Task Force (September 2003)</i></p> <p>1.9 We are also required to keep the carrying out of our functions under review to ensure that regulation does not involve: the imposition of burdens which are unnecessary; or the maintenance of burdens which have become unnecessary.”</p> <p>Impact Assessments form a key part of the policy-making process and provide a transparent way of considering different options for regulation, including not regulating. Ofcom expects to carry out Impact Assessments for the great majority of our policy decisions.</p> <p>http://stakeholders.ofcom.org.uk/binaries/consultations/better-policy-making/Better_Policy_Making.pdf</p>		
Annex 1 – List of Proposed Quality Indicators	CCTL (FLOW)	<p>Phased Implementation of some QoS Standards</p> <p>The Authority recognizes the cost and operational impact that implementation of this proposal will have on service providers. It attempts to address this through (1) phased implementation over an eighteen months timeframe for existing as well as future providers. As currently proposed, there could be two sets of standards operating in the market at the same time. CCTL does not believe this is a useful way forward.</p>	We refer TATT to recommendations made in the Introduction.	Noted. The Authority agrees that any approach resulting in more than one standard established and in effect at a given time in the regulatory framework is less than ideal, and is to be avoided. Such a situation is not recommended in this Framework. Indeed, this Framework will establish the single

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		<p>However, CCTL believes that the bigger issue is the additional cost burden that the extensive reporting and monitoring framework would cause to the overall market. There is also the issue of the absence of specifics on a monitoring framework. The right balance needs to be struck to ensure market efficiency.</p> <p>Geographical Indicators TATT intends to introduce some geographical indicators. The geographical classifications will be based on twenty one geographical regions that coincide with Regional Corporations or municipal districts. Given the size of the market CCTL believes this level of disaggregation will be too costly to implement, and the reporting requirements burdensome. Firstly the areas listed (Regional Corporations or Municipalities) are not normally used as part of the address provided by customers. This is not specific to CCTL, but rather a function of standard cultural practice. Changes to this practice would require a major cultural shift, one which the industry much less an individual service provider in not equipped to address. We therefore consider this proposal impractical burdensome and costly and recommend that indicators should be defined and reported at the national level only.</p>	<p>Where standards are necessary indicators should be defined and reported at the national level only.</p>	<p>benchmark against which service quality is to be measured throughout any given market. Throughout its contribution CCTL has referenced a cost burden that is only hinted at is not quantified or qualified. In the absence of data, the Authority would find no reason to modify its approach.</p> <p>The Authority appreciates this feedback on the level of disaggregation of the reporting requirements. The Authority does not believe that this challenge is insurmountable or necessarily that costly.</p> <p>First, the Authority's mandate includes identifying areas that are underserved, both in accessibility to service, but also the quality of service offered. In this context, reports at a national level will not be sufficient for the Authority to identify the differing levels of service afforded to geographically disparate regions of the country.</p> <p>Secondly, the Authority does not believe that the assignment of existing addresses to geographic locations would be overly onerous. The Authority believes that this</p>

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			<p>We recommend that any reporting should be done annually.</p>	<p>will be a matter of rationalization of information in its subscriber database once the regions are identified. This activity needs to occur but once to bring CCTL's systems into alignment.</p> <p>The Authority does take note of the recommendation of the level of disaggregation. The Authority recognizes that areas based on regional corporations and municipalities may not be the ideal basis of geographic segmentation, as these are subject to periodic change from the Elections and Boundary Commission. However, it is because other statistical frameworks are based on these allocations of the EBC, the Authority is hesitant to develop new ad hoc geographical assignments which would make post processing of this data into other systems far more complicated.</p> <p>The Authority notes CCTL's comments that <i>"most [indicators] are already measures as part of the company's internal operation and quality of service management systems"</i> Accordingly, as CCTL already provides quarterly metrics associated with the Market Report to the Authority, the Authority would</p>

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		<p>Reporting Frequency The proposed reporting frequency for most of the performance standards is quarterly as well as annually. This would be unduly burdensome to providers and costly to the market. An annual reporting frequency would be more realistic. This is also consistent with what pertains in more mature and well resourced jurisdictions such as the FCC.</p> <p>Indicators In terms of the individual indicators, most are already measured as part of the company's internal operation and quality of service management systems. Given that the goal is to set minimum standards of service we believe that the arrangements could be simplified by setting standards with reference to the immediate measurements. This would avoid the two tiered approach for existing and future market entrants. In general standards that are measured in days should be defined as working days so as to exclude non working days such as weekends and public holidays. This is standard practice and for example the definition used in the Concession.</p> <p>Customer Satisfaction</p>	<p>CCTL recommends a more simplified regime based on the performance standards defined as immediate.</p> <p>Standards that are measured in days should be defined as working days and not simply days.</p>	<p>expect that it would be relatively uncomplicated for CCTL to establish quarterly reports on these indicators so that they can be forwarded to the Authority similarly.</p> <p>Quarterly and annual reporting is consistent with that considered.</p> <p>There is no two tiered approach for existing and current market participants. The system is thus simplified and applicable to all.</p> <p>The Interpretation Act will guide in this regard.</p> <p>Noted. The Authority has proposed the</p>

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		<p>See comments in section 6.2 above. CCTL further notes that while TATT intends to establish a methodology for the calculation of the standard, it has set a minimum score of 7.5 out of 10. We therefore question the basis for determining the performance level in the absence of the development of the methodology.</p> <p>Service Accessibility The proposed standard is 99.5% for voice and subscription TV and 99% for internet. This implies outage time of about 7 hours in the period of one month. There should be consideration for mitigating circumstances such as the impact of weather conditions the timing of addressing cable breaks for example. A more realistic minimum standard would be 95%. Even then mitigating circumstances would have to be a consideration.</p>	<p>The minimum standard for service accessibility could be set at 95%, with allowances for mitigating circumstances.</p>	<p>removal of CSI as an obligatory metric with which concessionaires would be measured. Instead the CSI shall be used as a comparative benchmark based on the consolidation of a number of quantitative and qualitative indices.</p> <p>No. The standard service availability for fixed voice services is higher than 99.5%. It is the Authority's view that 7 hours a month downtime is too inconsistent a quality of service for fixed voice telephony. Similarly 99% uptime is too low availability for services for which customers are required to pay.</p>
Conclusion	CCTL (FLOW)	<p>While we support the requirement to put provisions in place to encourage service excellence, we believe the right balance needs to be struck with a mix of industry self regulation and a results oriented and cost effective regulatory framework. The system should not be burdensome to service providers and costly to the market. The benefits to be delivered to the market should be clear. The end result should be increased market efficiency.</p>		<p>Noted. The Authority appreciates the feedback and the proposes that metrics are reviewed to ensure that:</p> <ul style="list-style-type: none"> (i) The system is not overly burdensome to the service providers and costly to the market (ii) The system provides outputs that are relevant to all stakeholders