

Decisions on Recommendations on the Consumer Rights and Obligations Policy v4

The following summarizes the comments and recommendations received from stakeholders on the fourth draft of this document (dated December 2013), and the decisions made by TATT as incorporated in this revised document dated 18th July, 2014.

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Issues of gravity	TSTT	TSTT is gravely concerned that the Authority has failed to address its point in the previous round that the attempt to mandate the provision of a handset is <i>ultra vires</i> the Telecommunications Act (TA) and is also not a provision of the Concession. Handsets are in no way a telecommunications service for the purposes of the Act. Should handsets be considered otherwise, the Authority would have to mandate that all retailers of handsets be made to obtain a concession in order to legitimately conduct business and to avoid the issue of discriminatory practice against other service providers. The Authority's reasoning that there are economically disadvantaged individuals who cannot afford a handset would be most appropriately addressed under the Universal Services provisions, which enjoys significant resources. TSTT notes with alarm that the Authority has further predicated a number of its proposals on S 65 (1) of the Act which <i>does not exist in law!</i> The entire proposed Section 3.3 of this CROPs document is in blatant disregard of the existing law under the TA 2001 as amended in 2004. TSTT condemns this action in the strongest possible terms and cannot be party or condone such attempts to subvert	This prima facie illegal and discriminatory practice must not be allowed. Remove the mandatory provision of handsets requirement.	The Authority has reviewed this proposal in light of considerations raised, and has agreed to remove this mandate with respect to generic telephone (fixed or mobile) handsets. However customers should be afforded an opportunity to acquire handsets from their service providers. The Authority notes the error regarding Section 65(1) of the Act. The document has been amended accordingly to reflect Section 71 of the Act. The Authority does not agree that Section 3.3 of the document is not in

¹ Regional regulatory or Governmental agencies, Existing service and/ or network provider and affiliates, Potential service and/ or network providers and affiliates, Service/ Network Provider Associations/ Clubs/ Groups, General Public

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		the law. The Authority has deferred the broadcasting sector CROPs to an unspecified future date. This move is contrary to the stated purpose of this consultation. Indeed, the telecommunications and broadcasting sectors are complementary and as the Authority clearly originally	The Authority is clearly acting in contravention in the law in S. 3.3 and has further sought to disaggregate the consultation by deferring the treatment of the Broadcasting sector	compliance with the provisions of the Act. Section 18(1) (a) and (d) of the Act empowers the Authority to prescribe technical standards and ensure compliance to same, respectively. In addition, section 22(3) (c) speaks to concession obliging the provision of information and reports by the concessionaire by the concessionaire to the Authority, an obligation effected by conditions A28 to A31 of the Concession. Further, condition A43 of the concession requires that concessionaires provide telecommunications or broadcasting services in accordance with any regulations made by the Authority in relation to quality of service standards established from time to time. Breach of the Regulations will fall within the general penalty in S. 71 of the Act. As a result, the Authority is well within its remit to include Section 3.3 of the CROP document. The Authority has not excluded the broadcasting sector from section 3.3 of the document. This section applies to all concessionaires. Further, matters relating to broadcasting content, and

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		intended, must be treated with in an holistic manner.	to some future indeterminate time. Given the number of material improprieties identified in this document, TSTT demands that TATT issue a properly constituted and comprehensive 5th round for consultation	concerns thereto, are addressed in section 3.4 of the document. The Authority disagrees. Although the Authority's Consultation Procedures only require two rounds, the Authority believes that the consultation process for this document has been exhausted by undergoing FOUR (4) rounds of consultation. We also believe that we have adequately captured the concerns of stakeholders and have addressed them accordingly within this document.
General				
General	TSTT	The Policy Objectives state that this consultation is meant to address both the telecommunications and broadcasting sectors, however the Broadcasting sector's KPI have been deferred to be provided in a "subsequent policy framework to be published by the Authority". Further, this round still does not reflect a number of the changes agreed on from the past <u>2</u> rounds as well as the fact that Digicel's comments were not published as part of the DoR, which means that a true and properly constituted document has not been presented for consideration in this 4th Round, thereby compromising the quality and efficacy of this exercise.	TSTT suggests another properly constituted round with <i>corrected</i> documents consideration.	TATT is a converged regulator, and as much as the Authority may endeavor to regulate issues regarding both the broadcasting and telecommunications sector simultaneously and in a like manner, there are instances where it may become necessary for the Authority to address particular matters related to both sectors separately. One such instance is the technical Key Performance Indicators (KPI's) for the broadcasting sector. These issues are

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		TSTT continues to voice its disagreement that the Authority should be setting such stringent regulations for quality of service standards. TSTT reiterates that our market is sufficiently competitive to self-regulate especially given the imminent introduction of such a powerful customer-centric regulatory measure such as Number Portability. This is further strengthened by the advent of more operators, which effectively nullifies customer switching costs, empowering said customers to choose their service provider at will depending on providers' quality offered. Indeed Ofcom attests that "no market ever works perfectly": <i>"The option of not intervening... should always be seriously considered. Sometimes the fact that a market is working imperfectly is used to justify taking action. But</i>	Given Service Providers' (SPs') unanimous claims that the Authority's proposals are overburdening already stretched reporting resources and imposing undue hardships to implement new reporting software, hardware etc., TATT should schedule and convene working committees to address same.	subject to a comprehensive review and will be consulted upon separately to ensure due diligence is maintained. With regard to the omission of Digicel's comments in the previous round of public consultation, the Authority has taken the necessary steps to correct the oversight, by republishing the amended DoRs to include Digicel's inputs and extending the consultation period to over two months to accommodate any additional comments. The Authority does not agree that key markets is "sufficiently competitive" enough to defer to self-regulation. The Authority believes that regulatory measures should be established with respect to quality of service, particularly in the converged environment. While NP may impact the level of competition, the Authority believes that provision for a certain level of regulation will still be required to

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		<i>no market ever works perfectly, while the effects of... regulation and its unintended consequences, may be worse than the effects of the imperfect market"</i> Better Regulation Task Force (September 2003) <i>"Better policy-making: Ofcom's approach to impact assessment"</i>: http://www.ofcom.org.uk/about/policies-and-guidelines/better-policy-making-ofcoms-approach-to-impact-assessment/ TSTT contends that the Authority is micro managing the industry and imposing undue strain on resources, both human and capital, on local providers, with its series of, and in many cases impractical, demands. The Authority continues to dismiss TSTT's arguments that millions of dollars have already been spent to put reporting systems into place to meet TATT's current demands with no recompense, costs which TATT is set on blithely imposing yet again with no cost recovery mechanism for the significant investments that will be required of the operator.	Further the value of such reporting parameters have not been established empirically, see Ofcom's approach "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 ": <i>"Better policy-making: Ofcom's approach to impact assessment"</i>: http://www.ofcom.org.uk/about/policies-and-guidelines/better-policy-making-ofcoms-approach-to-impact-assessment/	ensure that QoS standards are met. While the Authority notes TSTT's comment about the cost burden of the regulated party, the Authority assures TSTT and all sector participants that due consideration is given to reducing the overall cost of the regulatory obligations on the service provider/operator. It is in this context, that the Authority seeks to identify KPI's which would mirror those reasonably expected to be utilized by a firm participating in the sector to measure its performance. In that way, the Authority seeks to leverage the general management controls of the firm in attaining the necessary information to undertake its functions.

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		TATT's insistence that Concessionaires generate reports by EBC areas is a prime example of this. The Authority's assertion that TSTT can simply move from its existing 5 reporting exchange districts to significantly more is fundamentally flawed and reflects a lack of understanding of the complexities of Exchange reporting and management. The Authority's recommendation in the DORs from Round 3 is that stakeholders should "<i>explicitly identify</i> which aspect of a given policy proposal is cost ineffective". This expectation of a detailed treatment of concerns is more appropriate to further engagement of stakeholders subsequent to the initial concerns raised at the Consultation level.		The Authority has suggested a list of geographical regions in Trinidad and Tobago, and that list shall be amended to reflect Municipalities. The Authority has further indicated that consultation on this matter shall be ongoing. Notwithstanding same, TSTT must acknowledge that it may be unrealistic to expect all concessionaires to adhere, of their own volition, to TSTT's five (5) Reporting Exchange Districts. For this reason, the Authority cannot accede to TSTT's recommendation. Accordingly the Authority is constrained to utilize an independently established framework which all concessionaires can readily utilize. Further, by this approach the Authority may be able to appreciate the variation in CQoS experienced at different region across the country. Consultation is a medium used by the Authority to gain direct feedback from stakeholders during the developmental stages of any given document. It is through this medium where stakeholders are given the opportunity to explicitly express their concerns and

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		TSTT would like clarification on comments in the DoR at Pg 91 (DoR VO.3) requesting feedback that is "more directed and specific" before the "Authority would be encouraged to establish a standing collaborative forum through which these KPIs and their impact and relevance to the sector are reviewed". The Consultative process encourages issues to be raised by concerned parties, however there would necessarily be certain points which require the work of a joint industry working committee to resolve e.g. the proposal for reporting by geographic basis and certain other KPI measures. TSTT is concerned that the Authority is continuing to dismiss Service Providers legitimate concerns by such blanket and vague statements.		make recommendations. TSTT is aware that on many instances, the Authority has directly engaged stakeholders via working groups, forums and other media when the need arises. The Authority agrees that there should be ongoing discussion with stakeholders on these matters. However, the Authority believes that such collaboration should not be without end. As it is, the concessionaires have been collaborating with the Authority on these matters for many years already. Accordingly, while the process of consultation shall be ongoing, the Authority believes the compromise proposed balances the interests of all parties.
General	Digicel	Digicel (Trinidad & Tobago) Limited ("Digicel") is pleased to have the opportunity to participate in the fourth round of consultation on this very important document. However, we are constrained to caution the Authority on its continued tendency to over-regulate the telecommunications industry. Once again, the Authority has paid little or no regard to the impact of aggressive competition, particularly in the mobile sector, where customer service has become a key differentiator.	A comprehensive review of this document should be undertaken.	The Authority disagrees with Digicel's position that the Authority 'continued tendency to over-regulate the telecommunications industry'. As a requirement of Section 3 of the Telecommunications Act, the Authority is charged with the responsibility of 'promoting and protecting the interests of the public'. We are of the view that this document assists in the

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		We also constrained to point out that the Authority appears to have disregarded substantive comments submitted by various stakeholders, on the basis that it has a different “view” of the issue. However, more often than not, there is no justification provided for the “view” adopted by the Authority. This lack of accountability serves only to undermine the integrity of the consultation process. In particular, it is noted that the Authority failed to take into account the any of the comments submitted by Digicel in the previous round of consultation. In fact, our comments were excluded from the original DOR from the third round. As such, we have re-stated our position where applicable throughout this document, in the hopes that proper	Where the Authority has opted to disregard the comment of a stakeholder, it should provide detailed reasoning for its decision.	implementation of such mandate. Indeed, research indicates that overly aggressive competition warrants the application of safeguard regulation. The Authority strongly believes that more can be done to improve the Quality of Service standards that concessionaires render to its customers as consumers are not yet benefiting from high levels of QoS. This is evidenced by the numerous complaints received by the Authority on a monthly basis. Regarding the omission of Digicel’s comments in the previous round of public consultation, the Authority has since republished the amended DoRs to include Digicel’s inputs and extended the consultation period by over two months to accommodate any additional comments. As such the Authority has considered all comments submitted during the consultation exercise and has not disregarded substantive comments submitted by various stakeholders. In responding to comments, the Authority has provided reasoning and/

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		consideration will be given to same.		or justification for its positions, even where there has been a change of position based on the comments received. The Authority assures Digicel and all other stakeholders that proper consideration will be given to all comments submitted.
General	CCTL	CCTL is pleased to provide input to the development of the Consumer Rights and Obligation Policy. We reserve our rights to comment on any issue at future stages of the process. Failure to address any specific issue does not mean agreement with position articulated by TATT or any other party. The positions expressed do not prejudice our rights in our licences or otherwise. In developing industry regulations good regulatory practice demands that due consideration be given to the market context as well as ensuring that an appropriate balance is struck between the cost of establishing and maintaining the regulatory tool versus the benefits to be derived by the market as a whole. By its very nature, market competition drives improved quality of service as providers compete for customers. The regime proposed by TATT to promote service quality is not consistent with what normally obtains in competitive markets, but rather with what would normally obtain in a monopoly market environment. It is our considered view	Greater focus should be given to self-regulatory approaches that are in line with the level of competition in the market. Cost considerations should also be factored into the final policy decision.	The Authority has considered the market context, and is thus of the view that self-regulation should not be applied at this time, given that consumers are not yet benefiting from high levels of QoS. This is evidenced by the numerous complaints received by the Authority on a monthly basis. Notwithstanding this market reality, the Authority is also of the view that there is no burden on service providers to meet minimum service requirements. In this way, even in the instance of the market failing to self-correct, the consumer and customer are protected.

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		that as markets become competitive, greater focus is given to industry self regulatory approaches.		
Section 1				
1.1.1 Policy Objectives	TSTT	"The final policy should ensure that consumers have a right to the following: 1. Access to essential telecommunications and broadcast services" It is not within the contemplation of the CROP document to "ensure ... essential telecommunications and broadcast services". This is a misleading 'objective', which rightfully belongs under the "Universal Service" policy initiative.	Remove as a policy objective.	The Authority notes TSTT's comment but disagrees with the recommendation. The Authority believes that all its policy and regulations are interrelated. As a result, while this policy objective is shared in the CROP document as a right of the consumer, it can also be reflected in the Universal Service policy as a core objective.
1.1.2 Guiding Principles	CCTL	One of the guiding principles identified is market efficiency. We agree that ensuring market efficiency should be a key consideration in implementing a consumer rights and obligation policy (CROP). However, the definition provided does not capture the meaning of market efficiency. In driving market efficiency as mentioned above, the goal is to provide services at the lowest possible cost. In this context there has to be an optimum balance between the benefits to be derived from the implementation of CROP and the costs of implementing and maintaining such a policy. To reflect the guiding principle of market efficiency due consideration must be given to and the cost that the regulatory measure is likely to have on the market.	The principle of market efficiency should be effected by ensuring that the cost of implementing this policy is less than the benefits to be derived by the market.	CCTL's appears to be referring to productive efficiency which is an aspect of market efficiency, the entire concept is generalized by the statement made in the CROP framework, <i>'the facilitation of a regulatory environment in which all stakeholders are able to adapt to changing market conditions.'</i> The Authority believes that the conditions required by CROP do not entail significant costs to be borne by the service operator. Additionally, the Authority believes that the benefits to be derived by the market far outweigh

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				any costs to be incurred.
Section 2				
2.2.3 Broadcasting Services	CCTL	CCTL notes that in the examples given for subscription broadcasting services as a subset of broadcasting services, reference is made to cable television services, but not the other key models for the provision of subscription television services such as IP TV. Of note the definition of broadcasting service in the Act is given as, <i>"the offering of the transmission of programmes whether or not encrypted by any means of telecommunications for reception to the general public, including sound, radio, television and other types of transmission, such as those on a point to multipoint basis."</i> Given the fact of technology convergence, and in particular the use of IP for broadcasting services, CCTL would recommend that for clarity such key platforms for the delivery of subscription television services be recognized in the examples. We would want to ensure that that all providers of subscription television services are treated in like manner so as to ensure there is a level playing field. With respect to free-to -air television services, we believe that TATT is missing an opportunity to encourage the development of local content by implementing a system of local content quota for free -to -air television providers. In conjunction with the current must carry regime, where	To ensure clarity we recommend that in giving examples of subscription broadcasting services all major platforms such as IP TV be included. CCTL recommends that in conjunction with the must carry provision for free-to air television providers, that a local content quota be implemented for free to air	This comment is noted, and agreed. Indeed IPTV is intended to be included in the term "subscription television services". The document shall be amended to reflect such more explicitly. The Authority notes the suggestion by CCTL to include a quota for local content. Establishing a quota on content is a matter for the consideration of the Government of Trinidad and

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		subscription television licensees are obligated to carry free to air stations, the twin policy could be used to promote the development of local content. One of the key imperatives identified in the National ICT Plan 2014 -2018, is creating and promoting local digital content. CCTL supports the view that pursuing a strategy of local content development and production will over time lead to a robust market for local content and a more balanced mix of local and imported content. Canada, much of Europe, Australia and South Africa provide examples where industry policy provides for some form of quota system to promote the development of local content.	broadcasters, to support the development of local content.	Tobago, which may be instituted by some statutory framework outside of the Telecommunications Act.
Section 3				
3.1.1 Network Performance	TSTT	“Network Performance, for purposes of this document, is limited to the Quality of Service received or rather, <i>perceived</i> by the consumer...” TSTT questions the proposal to judge a Service Provider's (SP) Network Performance by customer "Perception". NQoS is a measurable element and should be governed by the facts of performance as measured against the QoS minimum measurable standards KPIs set by the Authority.	Remove the provision and adhere to measurable metrics.	The Authority notes the comment suggested by TSTT, however, consumer perception is but one tool used by the Authority to measure the performance of networks. Some of the metrics contained within this document are intended to measure the consumer's perceived level of quality of service based on network performance, as an example, the Mean Opinion Score metric, is a recognized, codified index meant to reflect perception of the end-user.

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3.1.3 Point of Sale	TSTT	"...it is necessary for Service Providers to ensure that the experience is of the <i>highest</i> quality ... " This is contradictory to the Authority's 1.1 Policy Objective #4 ensuring consumer right to "Minimum standards for consumer standard required related service quality".	Correct to reflect that the customer experience should satisfy at least the <i>minimum</i> quality standard required.	The Authority notes this comment and has adjusted the document accordingly.
3.2 Measuring the Customer Satisfaction Index (CSI)	TSTT	"In light of the foregoing, the Authority therefore plans to do periodic customer satisfaction surveys ... This index is meant capture various components of the consumer experience into one single broad measurement.... The Authority understands that, given the limitations of an index to measure qualitative aspects of the consumer experience, this indicator may not be appropriate as a standard would also enable Concessionaires themselves to gain a qualitative grasp of the prevailing opinions of their subscribers". TSTT again questions the practical efficacy of this measure. The Authority itself admits that it is subject to limitations which render it inappropriate as a "standard", which therefore begs the question why do this in the first place? This exercise will clearly be of significantly limited real use and incur costs which have to be funded through Concession fees and thus re being borne ultimately by the consumer himself.	Remove the provision of an Authority led CSI measure.	The Authority disagrees with the removal of the CSI measure but has amended the document to reflect that the CSI can measure both the qualitative and quantitative aspects of customer satisfaction. The document has been amended to reflect that a qualitative inference can be made from the CSI.

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		Further, Concessionaires, as part of their own prudent Marketing initiatives, already commission same, using independent 3rd party research, and therefore need no assistance in gauging customer perception from the Authority.		The Authority believes that it is important to conduct independent surveys to capture the views of consumers and customers within the market. As with the limitation of any survey, the views captured by participants are a snapshot of that particular point in time. However, these views can form the basis of addressing legitimate concerns that are occurring and which may reoccur in the future. Therefore the Authority, fully endorses the conducting of independent surveys, with standardized questions, to gauge customer perception in the market which will produce results that can be utilized by all Service Providers.
3.2 Measuring the Customer Satisfaction Index	CCTL	With respect to the statement on Customer Satisfaction Index, where TATT intends to conduct customer satisfaction surveys and publish results. If such a programme were to be implemented, to ensure transparency and due process there would be a need to conduct prior consultation to determine methodology and related 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. We would have the	Where instruments such a satisfaction surveys and or indices are used, the development and implementation of such programmes should be subject to industry consultation.	The Authority disagrees with this recommendation. However, the Authority agrees that, as with the trend of previous surveys conducted by the Authority, the visibility of the instrument, the processes around the survey and the analytical framework of the results will be contained within the body of the report available for public consumption

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		same expectation regarding the development of a customer satisfaction index.		and comment.
3.3.0 The Authority's Approach to Consumer and Customer Quality of Service	CCTL	In terms of the overall framework, TATT has outlined a multi-faceted approach including; i. Different types of quality of service indicators, (network, point of sale and customer care) ii. Conducting customer satisfaction surveys and publishing satisfaction indices iii. Compliance regimes including disclosures, consumer remedies. iv. An enforcement regime that envisages an elaborate system of notification , hearings, and a five tiered warning system. We reiterate our overriding position, that within the context of a competitive market place this approach to quality of service regulations is out of step with competitive developments and international best practice. 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 2008-105”¹. 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	The Customer Rights and Obligation should be based on industry self-regulations supported by annual of selected QoS indicators.	The Authority wishes to reiterate that the current state of competition in the market is not one which is robustly competitive, unlike markets within the UK, the US and Canada. Further the application of quality of service requirements are not without precedent in the wider regulatory sphere. The Authority does not agree that the number of approaches proposed in this document is unrealistic. The Authority believes that this multifaceted approach is necessary until greater levels of competitiveness are achieved in the market.

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		approach is based on the annual publication of survey results examining specific aspects of the consumer experience. In comparison TATT is proposing to use a combination of approaches. The multi-faceted framework is simply unrealistic. Importantly, we have concerns with the significant increase in the level of reporting requirements, for example the requirement to report statistics at regional level. This level of monitoring and reporting will require substantial investment in capital as well as ongoing operating costs. This begs the question as to whether the industry is best served by imposing such burdensome requirements, as opposed to using more industry driven approaches, that are less cost intensive and more in line with the levels of market development. CCTL will address the specific QoS Standards in addressing Appendix 1, later in this response.		The Authority refers CCTL to its decision above based on a recommendation made by TSTT regarding the appropriate boundaries for geographic reporting. The Authority has indicated that consultation on these matters shall be ongoing but also believes that such collaboration should not be without end. As it is, the concessionaires have been collaborating with the Authority on these matters for over many years already. Accordingly, while the process of consultation shall be ongoing, the Authority believes the compromise proposed balances the interests of all parties at this time.
3.3.1 Notification of Potential Breaches	Digicel	Digicel notes with great concern that the Authority is seeking to expand the scope of its statutory powers by introducing enforcement procedures in this policy document. The Authority is reminded that it cannot at its convenience and by virtue of this policy document attempt to re-write	This section should be removed from this document in its entirety.	The Authority does not agree with Digicel's comment that the Authority is acting <i>ultra vires</i> the Act. The Authority is empowered in accordance with Section 18(1)(h) to "implement and enforce the provisions of this Act and the policies and Regulations made

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		the law or the concession. In so doing the Authority is acting <i>ultra vires</i> of the Telecommunications Act, 2001.		hereunder". The stated enforcement procedures are the means by which the Authority intends to do so, once established in the Regulations developed pursuant to CROP.
3.3.3 Compliance with Consumer-Related Quality of Services	TSTT	While there are a number of points which are objectionable and also which require close scrutiny in this section. It is premature to discuss same as <i>the Authority has no basis</i> on which to introduce this section and the sanction regime proposed therein. TSTT notes with alarm that the Authority has predicated a number of its proposals on S 65 (1) of the Act which <i>does not exist in law!</i> If indeed the Authority is acting in anticipation of the proposed amendments to the Telecommunications Act, apart from acting <i>ultra vires</i> of the existing Act, the Authority's cited grounds do not even exist in the proposed amendments. <i>ALL material breaches are adjudicated under the court system.</i>	Remove these proposals which are <i>ultra vires</i> of the Act.	The Authority notes the error regarding Section 65(1) of the Act. The document has been amended accordingly to reflect Section 71 of the Act. The Authority disagrees that it has no basis on which to introduce this section. The Authority is empowered in accordance with S.18(1)(h) of the Act to: <i>"implement and enforce the provisions of this Act and the policies and Regulations made hereunder"</i>. Further, S.71 of the Act provides for a general penalty, including monetary fines for persons who are in breach of the Act or its Regulations. Accordingly, as an example, actions cited in Tiers 3, 4 and 5 would be the enforcement of breach of the substantive regulations, escalating from a monetary fine pursuant to a summary conviction, to

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			Reissue a properly and correct consultation for consideration	recommendations by the Authority for the suspension and thereafter termination of Concession, as provided for in statute. For the avoidance of doubt, it is not the intention of the Authority to ‘act in anticipation of the proposed amendments to the Telecommunications Act’ as suggested by TSTT, but the Authority aims to ensure compliance with the provisions of Regulations established pursuant to this policy as provided for in the existing legislation as stated <i>supra</i>. As previously stated, the Authority believes that the consultation process for this document has been exhausted by undergoing FOUR (4) rounds of consultation. We also believe that we have adequately captured the concerns of stakeholders and have addressed them accordingly within this document.
3.4 Rights Relating to Broadcasting Services and Content	TSTT	..."consumer's right to a high quality of service" Reference is made 1.1 Policy Objective #4 -Minimum QoS The above comments refer.	Rephrase to reflect minimum QoS requirement	Section 3.4 has been amended to reflect an acceptable quality of service level.

Section 4

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4.1 The Consumer's Right to A Minimum Quality of Service	TSTT	"The Authority does not envisage that reporting performance statistics would unduly increase the costs incurred ... as Service Providers are expected to measure and monitor their performance, as part of their management control system, regardless of monitoring by the regulator." The Authority is reminded that SPs do not currently report along the same KPI parameters being proposed herein. A prime example is reporting by geographic EBC districts. Thus the Authority is making a unilateral decision while continuing to trivialize SPs' concerns as to costs at both the physical and human capacity levels. The Authority has not provided any cost recovery proposal for expense incurred in developing reports along its	Develop the reporting formats in concert with Concessionaires. Develop a cost recovery process. Set a minimum period of 3 years for reporting format.	Within the CROP document, the Authority has proposed specific KPIs parameters for purposes of reporting by Service Providers. As is the current practice in the industry, each service provider has developed their own unique KPI. For purposes of uniformity across the industry, the Authority has seen it necessary to standardize the reporting KPIs to ensure comparability among service providers. While, the Authority notes TSTT's recommendation regarding the period for establishing reporting formats, the Authority disagrees with TSTT's assertion that it "is making a unilateral decision." The Authority has considered concerns from all stakeholders and has adjusted its approach by proposing the 14 Municipalities and Tobago as the relevant geographic regions. The proposal benefits from being independently defined, statutory delineated, well articulated and limited in number (15 in Trinidad and Tobago). All costs associated with the proposed standardized reporting format should be

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		proposed "standardised format". Further TSTT calls again calls for guaranteed periods of reporting along said formats since changes are indeed costly and a very real concern for SPs, contrary to the Authority's views.		borne by the Service Providers as part of their regulatory responsibility.
	CCTL	We agree with TATT that competition is a primary tool for delivering high quality service. CCTL believes that ensuring the effective development of competition should be the focus in the drive to ensure improved service quality to customers. We support the position that a system of monitoring and reporting on selected statistics can be used to support the achievement of quality of service objectives. In the regard, the Concession provides for minimum quality of service standards. The Concession also provides for TATT to promulgate quality of service regulations as the market develops. It would be reasonable to expect that as competition develops such regulations would be consistent with market developments and trends. For example TATT makes reference to regulators in several jurisdictions (Singapore, Australia, United Kingdom Etc.) with respect to a system of reporting on performance statistics as a means of supporting achievement of QoS goals. We would encourage the Authority to be guided by the approach to QoS regulations used in these markets. As TATT outlines,	The Customer Rights and Obligation should be based on industry self regulations supported by annual reporting of selected QoS indicators.	The Authority wishes to reiterate that the current state of competition in the market is not one which is robustly competitive, unlike markets within the UK, the US and Canada. With respect to the reporting cycle, the Authority proposes to amend the reporting requirements for some of the KPI's as identified. These identified KPI's (essentially those requiring fieldwork for their collection) will report biannually, others (those that can be obtained from automated systems) will remain on a quarterly reporting schedule, while others may have an annual schedule of reporting. It is the intention that over time, as the market matures and pursuant to consultation with all stakeholders, the reporting frequencies will be adjusted.

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		<i>"Performance indicators should provide meaningful information to customers, but at the same time should not require a disproportionate amount of resources for the Service Provider to produce"</i> It is our considered view that requiring service providers to produce statistics by regions, as envisaged by this proposal does not meet the proportionality test outlined above. Contrary to the Authority's views, the level of monitoring and reporting requirements proposed will increase the cost of operations, as they far exceed what is required for internal management control. The multiple approaches to QoS regulations (refer to comments in Section 3 above) would clearly require costs to implement and maintain.		CCTL is referred to the Authority's earlier decision regarding service providers to produce statistics by regions. The Authority has suggested a list of geographical regions in Trinidad and Tobago. Notwithstanding that, the costs associated with the proposed standardized reporting format should be borne by the Service Providers as part of their regulatory responsibility, the approaches outlined in the document do not reflect requirements for distinct, separate systems to be established by operators/ service providers.
4.4.2 General Methodology of determining Consumer-related network QoS 4.4.3 Metrics of interest for Consumer-related network QoS	TSTT	" ... the Authority is also aware that the formulae used in compiling these OM's may vary between both operators and network equipment vendors based on the technologies used, and the level of granularity and specificity required" -the above comments refer. The Authority is contradicting itself but more importantly is doing so conveniently i.e. to further its own ends, in this instant to justify "... a	Develop the reporting format in concert with Concessionaires	The Authority, in this section of the CROP document sought to establish network performance from a consumer's perspective rather from a more specific technical aspect which is dealt with in the KPIs of the CROP document.

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		consumer-oriented, outcome-based approach to metric collection and performance assessment. By this methodology, the actual end-user experience is assessed and the impact of the various network-measured factor-inputs is subsumed within the overarching customer-centric measured output." TATT is proposing the creation of its own QoS network measure, for which there is no sound evidence of derivation through scientific and tested means. Further under 4.3, TATT is proposing engineering parameters for SPs to use in designing and developing their networks. Under Table 2 (i) -the requirement to provide payphones - this is rapidly becoming anachronistic given the proliferation of wireless devices. Further, since not all fixed providers provide payphones, is the Authority therefore proposing to mandate all players to provide handset equally? The Authority's statement that the <i>standards for broadcasting services has been deferred</i> runs contra to the raison d'être of this consultation.	Issue a properly constituted and comprehensive 5th round for consultation.	None of the QoS metrics cited are without precedent in the industry. The derivations of these QoS metrics are outlined in the Annex. The Authority disagrees and guides TSTT to the Universal Service Framework in this regard. Yes, such is the intention of the Universal Service Framework. As previously stated, the Authority believes that the consultation process for this document has been exhausted by undergoing FOUR (4) rounds of consultation. We also believe that we have adequately captured the concerns of stakeholders and have addressed them accordingly within this document.

Section 5

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5.1.2 Timely Provision of Information	Digicel	Digicel wishes to point out to the Authority that if a customer makes an international call while roaming (i.e. a call to any destination other than his home country or within the roaming country), it will be impossible for Digicel to provide that customer with the rates for the international call in advance or at the point of sale as this would be based on our roaming partners' costs, which will vary according to the destination called. Further, these rates may change due to fluctuations in exchange rates. As the Authority will appreciate, Digicel has no control over its roaming partners' costs or exchange rates. The Authority is demonstrating its ignorance of the operational realities that concessionaires face.	Digicel recommends that rates for international calls made by customers while roaming be excluded from this section as Service Providers have no control over same.	The Authority is requiring that Service Providers make available to customers the rates for roaming prior to the realization of the phone call. That is to say, that Service Providers should inform their customers of roaming rates by, among other things, publishing and making available such rates pursuant to Concession Conditions C2 and C4. Further, all roaming agreements between service providers are negotiated before the service is made available to the customer. As a result Digicel is well aware of the roaming partner's prices based on these negotiated agreements. As such, Digicel's comment holds no merit. The document has been amended to reflect the decisions expressed by the Authority. While Digicel has no control over its exchange rates, Trinidad and Tobago's economy operates on a managed float exchange rate resulting in minute fluctuations within a range.

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5.1.3 The Customer Charter	Digicel	This requirement is still extremely onerous for concessionaires. Further, Digicel questions why the Authority feels the need to force concessionaires to collate information that is readily available in various sources (such as in an operator's Terms and Conditions and on website) into what will undoubtedly be a sizeable single document. Due to the complexity of telecommunications products and services, a significant amount of information has to be conveyed to customers. Experience has shown that customers are less likely to assimilate this information when presented in large volumes. In fact, in an effort to effectively educate its customers, Digicel has exerted considerable effort towards presenting this information in a clear and easy to ready format, and ensuring that access to same is readily available at all times. This requirement of the Authority seems to undermine the effectiveness of such initiatives, which may ultimately have to be abandoned if the Authority is making an extensive charter mandatory for service providers. Given that the Authority is clearly uninformed as to the best methods to communicate effectively with customers, such matters should be left to the discretion of the service provider.	It is submitted that the Authority should not mandate that all of these items be contained in a single document. The requirement should simply be to ensure that the customer has ready access to the information in question as no useful purpose is served by prescribing the manner and format in which the said information is presented.	Within the CROP document, the Authority does not require that all the information be collated into a single document. However, reference to appropriate customer documents should be included in the Customer Charter. It is noteworthy that the Charter is a form of self-regulatory instrument, as continually proposed as preferred by many concessionaires. Further, based on Digicel's comments, it seems that Digicel has amplified the Authority's requirements for the development of the Customer Charter. The requirements are listed in section 5.1.3 of the document. The Authority wishes to highlight that as also stated within the CROP document that: <i>"Where these matters are not detailed in the Customer Charter, the Charter should clearly reference the appropriate customer documents, which are also readily and publicly available, to facilitate access to such information."</i>

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5.1.4 Contractual Information	TSTT	"... the Authority has developed a non-exhaustive list of unfair contractual terms, as contained in Annex 2 of this document". Contracts should adhere to standard business T &Cs.	Contracts should adhere to standard business T&Cs	The Authority believes that the “ <i>unfair contractual terms</i> ” listed in Annex 2 do comply with standard business terms and conditions. No responding party has demonstrated where the Annex does not comply with same.
	Digicel	Digicel finds it curious that the Authority is proposing that the “location where the agreement is made” must be included in the service contracts. There is certainly no legal requirement to include the location where the agreement is made in a contract and it is an unusual and unnecessary practice. This comment was disregarded by the Authority in the previous round.	Remove “location where the agreement is made” as a minimum requirement for service contracts or provide a detailed explanation as to why this is necessary.	The minimum requirement for “location” has been removed from the policy even though some may consider such useful. Further a new requirement for a statement of the applicability of the Laws of Trinidad and Tobago to the contract has been included.
	CCTL	We believe the Authority is being unnecessarily prescriptive in defining the contents of service contracts even to the extent of references to size and colour of fonts. This reinforces the tendency for these proposed regulations to be very prescriptive. 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. CCTL believes this defeats part of the purpose of implementing electronic contracts. Electronic contracting is one example of the	To encourage the use of electronic transactions the policy should not include requirements for paper based records of transactions.	The Authority does not believe that it is being unnecessarily prescriptive in defining the contents of service contracts but merely providing a guide to ensure that the text is “ <i>readily discernible by the average consumer under normal conditions.</i> ” The Authority acknowledges the value of the promotion of the use of ICT’s and instituting a paperless society, however, the reality is that internet broadband penetration is less than 20% as at

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		adoption and usage of ICTs, to drive efficiency and improve competitiveness. It is therefore our considered view that requiring options to have printed terms and conditions of service in electronic processes does not promote adoption and use of ICTs. We believe that the industry policy on Consumer Rights and Obligations should support the Government's ICT Agenda, and importantly, promote efficiency. We agree believe that the electronic contracting process should mirror the paper based process and allow customers by some electronic means to accept or reject terms, and that there should be way that the transaction should be recorded for future reference. We believe this to be consistent with the relevant provisions of the Electronic Transactions Act 2011.		December 2013. As such, the Authority believes that there is still a need to accommodate that portion of society who may rely on access to internet services outside of their home and may require the option to print as tangible proof of their transactions. Further, it should be noted that the use of electronic records, whether via the presentation of one's bill on a television screen or otherwise, must meet the legal criteria for a legitimately sent, or received, electronic document, In addressing CCTL's comment, the Authority has observed that there is an error within the document and has taken the opportunity to rectify same. The references to the Electronic Transactions Act have been updated. To include reference to Section 12 (1)(b) and all of Section 22(b).
5.1.6 Modification of Contracts	TSTT	"Amendment of standard contracts requires approval by the Authority" Is the Authority proposing to extend its role to approval of <i>all</i> contractual amendments? As per the concession, the Authority's approval is reserved for instances of and only	Revise to state "material" changes in keeping with the provisions of the Concession.	Noted. The document has been adjusted accordingly.

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		applicable to "material" changes.		
	CCTL	In making reference to Section C 23 of the Concession re approval of standard form contracts, the Authority states that "The approval from the Authority shall not be unreasonably withheld." This statement is inconsistent with the expressed term in the Concession, which sets out clear timelines for responses from the Authority and where such responses are not received accordingly, the submissions are deemed approved. To ensure consistency with the terms of the Concession, this should be restated to reflect what is in the Concession.	The process for modification of contracts should be consistent with provisions in the Concession.	Noted. The document has been adjusted to reflect the timelines pursuant to Concession Condition C23.
5.2.1- Service Activation	Digicel	Digicel wishes to point out that the Authority refers to a Section 8.4 as the section relating to 'Disconnection of Service' when in fact there is no "Section 8.4" contained in this Policy.	The Authority should amend the reference to reflect the correct section.	The Authority notes the error and the document has been amended to reference Section 6.2.4.
5.2.2 –Customer Equipment	TSTT	' ...onus of provision' means the obligation to offer the provision of at least one CE per subscription as a minimum requirement within standard service contracts .. ' The attempt to mandate the provision of a handset is <i>ultra vires</i> the Telecommunications Act (TA) and is also not a provision of the Concession. Again TSTT argues that given the existing liberalized market space where handsets are readily available, said retailers are neither subject to the provisions of the TA nor do they require a Concession to operate since handsets do	SPs should only be mandated to provide a "functioning access point"	The Authority has agreed to remove this mandate with respect to standard telephone (fixed or mobile) handsets.

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		not fall under the provisions iterated therein. Thus, SPs obligation must be limited to provision of a “functioning <i>access Point</i>”. Further, handset provision to those that are differently-abled, underprivileged, economically disadvantaged etc. fall squarely under the Universal Services provisions. The above comments refer.		The Authority notes TSTT’s comment. and active consideration will be given to the recommendation.
	Digicel	The Authority appears to be specifying how the subsidy recoverable by the service provider is to be assessed, in the event of early termination by a customer. The legislative basis for prescribing same is unclear.	The Authority should clearly set out what it means by “standard straight line amortization method” and should explain the perceived basis of its powers to prescribe same to service providers.	The Authority notes Digicel’s concern, and mindful of prevailing law such as Hire Purchase Act, Sale of Goods Act and Unfair Contract Terms Act, agrees to the removal of the specification of the recoverable subsidy. Notwithstanding this however, the Authority reaffirms the obligation of the concessionaire to inform the customer in clear, unambiguous terms of any rebates, penalties or other charges in relation to terminal sales which accrue upon the customer’s termination of their contract. Such terms must be included in the contract of service and the customer must be notified of same at the point of subscription.

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	CCTL	TATT has taken the position that for fixed line telephony service the onus of providing CPE should remain with the provider. CCTL disagrees with this proposal. In the process of liberalization of the telecommunications market globally CPE provisioning has long been de-bundled from the basic access service. Currently it is standard practice for customers in this market to purchase telephone sets of their choice. Telephone sets are readily available in the general retail trade at affordable prices. Customers are quite happy to purchase sets to suit their tastes and preferences. To support its position TATT argues that for nontraditional networks there may not be a robust CPE market, and that marginal groups may not have access to fixed handsets. Fixed telephone handsets is a standard item used on any network type, a handset is a handset, essentially a commodity. With respect to access to handsets by marginal groups, we do not believe that the appropriate policy for addressing such a concern is to require the provider to provide handsets as. We believe that remedies to address affordability should be addressed in the universality programme. Further, given the competitive nature of the market place, this in itself should serve to provider service options to different target groups. As such there is no need for TATT to use unnecessary and intrusive regulatory intervention to achieve such objectives. This is yet just another example of over regulating.	For fixed telephony the onus of CPE provisioning should be on the consumer.	The Authority has agreed to remove this mandate.

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5.2.3 CPE for the Differently Abled & Priority Assistance Service	CCTL	The concept of priority assistance services is well intentioned, but we do not believe it is adequately defined, as only a list of objectives is provided. CCTL is also seeking clarification on what entity/ agency will be tasked with identifying priority customers and ensuring that these customers have information on priority services. While operators would have a role in supporting such an initiative, we believe that such a programme would be best placed with a government agency with responsibility for social services.	The concept needs to be more clearly defined. We also recommend that the role of identifying priority customers for priority service be done by a government agency with responsibility for social services.	The Authority notes CCTL's comments and its recommendation will be taken into consideration with the relevant agencies.
5.2.4 - Mobile Handset Locking	Digicel	Digicel has noted the Authority's response to Digicel's comments on this matter in the last round of consultation but we believe that our views were not properly considered. As such, we wish to repeat our strenuous objection to the extension of Condition C20 of the Concession to all service classes.	Condition C20 of the concession cannot and should not be extended to all service packages.	The Authority believes the appropriate reference is to Condition C21. In that regard, the Authority stands by its previous decision made in the DoRs of the 4 th round of consultation regarding the application of condition C21 of the concession to pre-paid customers.

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		It is submitted that to extend the mandatory provision of free unlocking services to prepaid customers would only seek to encourage fraudulent behaviour by customers and would cannibalise the handset market, thereby causing concessionaires to incur significant losses. Because the mobile market is extremely competitive in Trinidad and Tobago, handsets are heavily subsidised and as such are available at far cheaper prices than in countries such as Venezuela and certain Caribbean islands. If prepaid customers were to be able to unlock handsets at no cost, this would encourage persons to purchase handsets, unlock them and sell them at higher prices in other countries. Also, the sheer volume of unlocking requests would be so high that Service Providers would be forced to dedicate significant resources towards dealing with same. The obvious response of any prudent Service Provider would be to increase handset prices in both service classes, which would ultimately be to the detriment of customer. Further, Digicel strongly suggests that Service Providers should not be responsible for upholding the warranty of handsets after the Service Provider unlocks same. Digicel proposes that it would be unreasonable to expect a Service Provider to maintain a warranty on a device used on another network. The Authority is asked to note that Digicel's agreements with its manufacturers of handsets set out specific	At the very least, the Authority should engage in proper consultation with concessionaires in order to fully understand the extent of the commercial impact of this step. When handsets are unlocked by a Service Provider any applicable warranty should cease to be the responsibility of that Service Provider. Service Providers should not be responsible for maintaining the warranty of handsets used on another Service Provider's network.	This consultation process is the appropriate forum where concessionaires may make their case in this regard. The Authority notes this concern, and reiterates that this obligation does not hinder the concessionaire from exercising the options of either voiding or maintaining the warranty of the handset after the handset has been unlocked.

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		warranty guidelines, which provide that the warranties on handsets supplied by said manufacturers will only be upheld if the handset is with Digicel's network. Further, the manufacturers' systems of monitoring validity of warranties are tied to the specific network to which the related handset was supplied in order to help it to identify to which market the handset was distributed in order to effect repairs. Also, the manufacturers' systems will automatically note the unlocking of a handset as the voiding of the warranty on that handset. Additionally, should the warranty in such an instance be upheld, where the customer has entered into an agreement with another Service Provider, making use of the latter's SIM card, should a problem arise it would be difficult and unreasonable for the previous Service Provider to troubleshoot any issues that the handset may be experiencing since said issue may be as a result of the new SIM card, for example, freezing of the handset or data issues, the latter of which can only be resolved on the new Service Provider's network.		
Section 6				
6.1 The Customer's Right to Privacy	TSTT	The Authority is cautioned again about being over prescriptive regarding the Customer Charter. A reasonable balance must be achieved so that customers are not overburdened by information.	Set minimum standards only.	The Authority disagrees that it is being over prescriptive regarding the Customer Charter. The CROP document outlined minimum elements which should be included in the Charter and further states: <i>“where these matters are not</i>

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				<i>detailed in the Customer Charter, the Charter should clearly reference the appropriate customer documents, which are also readily and publicly available, to facilitate access to such information”.</i>
6.1.1 Disclosure of Customer Information	TSTT	<i>“Statement on Disclosure of User Information:</i> Concessionaires shall not be permitted to share, sell or disclose personal information collected from the customer at the time of subscription, without the customer's prior and explicit consent of the party to whom the information is disclosed, and the purpose required.” This should be subject to any order by the courts of Trinidad and Tobago.	This should be subject to any order by the courts of Trinidad and Tobago.	The Authority agrees, and refers TSTT to Section 6.1.1 which states <i>inter alia</i> : “ <i>Despite this general obligation, that Act provides for exemptions in particular instances, for example, in relation to law enforcement requirements and orders of the Court.</i> ”
6.1.4 Directories and Directory Assistance.	TSTT	The concessionaire condition C 31 provides that “The concessionaire shall exchange all relevant customer data with other concessionaires, free-of-charge for the purpose of providing integrated directories and integrated directory enquiry services” The "Authority proposes to leverage this existing framework of obligations, to establish a regulatory regime ... The Authority shall on a periodic basis not less than five years, undertake a process through which it evaluates the capacity of either existing Concessionaires or interested third parties to undertake the service of printing the annual integrated customer directory. The criteria for selection shall be determined and issued by the Authority no less	Please provide further clarification of intent.	With the liberalization of the sector, Trinidad and Tobago now benefits from the presence of more than one fixed line operator. As such, the intent of the integrated directory is to afford the consumer the opportunity of having one single directory with a list of customers and their related phone numbers independent of which service provider they belong to.

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		than two months prior to the selection process. " Further clarification is sought regarding the Authority's proposal. Given the exigencies of production of telephone directories, a 2 month notice timeframe of 2 is impractical. Telephone directories production is not a "regulated" service.		TSTT has misinterpreted the Authority's statement within the CROP document. The two months stipulated by the Authority does not reflect the timeframe for the production of the Directory, but however, for the timeframe within which the Authority shall issue the criteria for selection of concessionaires or other interested parties for producing same. The production of integrated telephone directories is captured by Conditions C30 and C31 of the Concession agreement. This obligation is thus transferred here.
6.1.4 Directories and Directory Assistance.	Digicel	Digicel does not agree that the requirement to publish a printed directory with a list of subscribers' names, related telephone numbers and addresses should be extended to mobile users. Most mobile users believe that their mobile number is personal and as such should be kept private and not readily accessible by members of the public. Further, it should be noted that many of Digicel's prepaid subscribers have been on its network from since inception	Digicel recommends that this section should not be applicable to mobile operators	While the Authority notes Digicel's comments, this provision is based on the principle that the customer is the appropriate party to determine if they would like their contact information, be it for a fixed or mobile number, published in a directory. Accordingly, the policy is proposing that service providers provide an "opt in" mechanism at enrollment/ service activation whereby the customer may be

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		of the Company and it is highly unlikely that the addresses of such customers were recorded back then. Additionally, even if such information is available, it would be outdated as the customer's address may have changed over time and there was no need for us to update such records. As the Authority is aware, mobile users may also be temporary visitors to Trinidad and Tobago and as such having a directory for their numbers is not practical.		informed and knowingly authorize or refuse to authorize the inclusion of their number in the next available directory.
6.1.6 'Prank' and Obscene Calls	Digicel	The Authority appears to be suggesting that a customer should "take the law into his own hands" by stating that <i>"Service Providers that provide public telephone services should therefore have services such as "trap" and "call trace" available to customers to deal with such calls"</i> [emphasis added]. Digicel currently has mechanisms in place to assist the police in dealing with prank and obscene calls to its customers. Currently, customers who receive prank or obscene calls can report these matters to the police, who would then investigate, with the assistance of Digicel, in order to identify the perpetrator and deal with the situation in accordance with the law. In any event, as pointed out by the Authority, the consumer already has service features available to him/her (such functionalities being readily available on his/her handset) to assist in preventing such calls, such as "caller ID" and "call blocking".	Digicel recommends that the Service Provider not be mandated to provide "call trace" or "trap" services to the customer as such matters should be handled by the relevant authorities and not by the customer.	The Authority notes and agrees to some extent with Digicel's comment and has amended the document accordingly. "Service Providers that provide public telephone services should therefore have services an effective mechanism in place such as "trap" and "call trace" available to customers to deal with prank and obscene calls such calls and therefore provision their networks such that the information is available to the relevant authorities as required" Notwithstanding the above, the Authority continues to require that service providers advise their customers of their proposed systems and services to treat with these issues, either in their Privacy Policy or Customer Charter.

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6.1.7- Incidence of Scams and Tele-fraud	Digicel	Although, Digicel agrees that such fraudulent activities should be reported to the local authorities as same would assist in protecting its customers, Digicel does not agree that there should be an obligation that any such incident that originates internationally should be reported to the local authorities as the local authorities will not have jurisdiction over international perpetrators. With respect to any such fraud or scam originating internationally, Digicel constantly monitors its network	Digicel recommends that the Authority confines this requirement for the Service Provider to make reports of instances of fraud or scam to the local authorities to only those instances originating within Trinidad and Tobago.	The Authority disagrees with Digicel's recommendation. The Authority believes that the policy statement outlined in the document is a reasonable one and does not pose any significant burden on the provider to report such incidents. Additionally, while the local authorities may not have jurisdiction over international perpetrators, the TTPS has the authority to contact the

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		and when such an incident is detected, Digicel takes all reasonable measures to minimize any negative impact to its customers.		relevant foreign agencies to pursue the matter. The Authority strongly believes that the relevant authorities such as the TTPS should be made aware of fraudulent behavior whether originating locally or internationally. Such reporting would make them become more aware of the prevalence of scams and tele-fraud and may lead to necessary action to prevent such from happening.
6.2.1 – Accuracy in Billing Information	Digicel	Digicel does not agree nor see the need for the previous payment date to be included on its invoices if the last payment amount is stated. Digicel's invoices currently reflect the aggregate payment amount for the last billing cycle but not the last payment date and we believe that this is sufficient. It is reasonable to assume that a customer should be able to recall, from receipt received for such payment, the date of his/her last payment. Further, Digicel currently offers a USSD service whereby a customer can dial *196# and get their last payment date and amount. If Digicel is compelled to show the previous payment date on its invoices, this would require extensive changes to its current billing system as there will be the need for vendor engagement and development, which, the Authority will appreciate, can be quite costly and time-consuming.	Digicel recommends the addition of the words “or amount” after the words “Previous payment date” in the list of information that is required to be shown on a customer's invoice so that this item now reads “Previous payment date or amount”.	The Authority notes Digicel's recommendation, however, the Authority, believes that previous payment date and amount paid are of paramount importance to the customer as a means of safe guarding the customer from errors that may occur from time to time with regards to payment of bills.

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		Digicel notes that the Authority is recommending that charges by third parties reflected on the Service Provider's invoice should include that third party's company logo. Digicel does not see the need to reproduce a third party's logo onto our invoice as the name of the third party should be sufficient for the customer to accurately identify the particular line item. Digicel further disagrees with this recommendation based on the following: 1. With respect to our billing system, there are currently certain technical limitations to putting graphics such as logos on invoices; the system is able to only place printed text in the body of the invoice. Compelling Digicel to make such changes to its invoices would lead to significant costs for no good reason. 2. Digicel is certain that replicating a third party's logo could lead to infringement of said third party's intellectual property rights. Digicel wishes to point out that the Authority refers to a Section 9.2 as the section relating to 'cramming' when in fact there is no "Section 9.2" contained in this Policy	Digicel recommends the removal of the requirement to include third parties' logos on Service Provider invoices next to their related charges as the name of said third party next to their related charge should suffice. The Authority should amend the reference to reflect the correct section.	The Authority agrees with Digicel's recommendation and the relevant changes have been made. The Authority notes the error and the document has been amended to reflect the applicable section.
6.2.1 Accuracy of Billing information	CCTL	TATT states that where customers are notified of bills either by email or text message, a printed bill should still be sent to the customer. While we agree that customers	The provision of printed bills should be optional, and not a requirement, and service provides should have the	CCTL's recommendation is noted and the Authority has reviewed its position regarding the mandatory provisioning of

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		should have access to details of bills, we do not agree that there should be a requirement for these to be printed and by extension mailed out. With the growth in ecommerce applications, electronic bills are fast replacing printed bills. Electronic billing options offer several advantages, it is more cost effective, gets to the customer faster and more environmentally friendly. Using electronic options is also consistent with the Government's agenda to promote the use of online services. Such initiatives will support efficiency in the industry as well as drive competitiveness. Where customers opt to get printed bills, this should be available at a small cost recovery charge. This approach will serve to encourage adoption of the more efficient electronic option.	flexibility to levy a cost recovery fee for this option.	printed bills in the event that bills are provided in another format. The Authority, however, disagrees that fees should be levied to customers for a printed bill at this time where that customer does not have access to alternative formats. Further, in accordance with Section 12(1)(b), the only legitimate alternative forms for electronic bills would be e-mail or printable account summaries via a web page. The document has been amended as follows: <i>“Even when bills are provided to the customer in a format other than a printed version (example via email), the customer shall have the option to a printed bill and such shall be provided at no additional costs to the customer where the alternative format is not available”.</i>
6.2.2 – Billing Cycle and Late Payment Penalties	TSTT	<i>“Statement on billing cycles:</i> The Concessionaire should make 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 five days after generation." TSTT has no control over the efficiency of the postal service.	Remove bill delivery provision	The Authority notes TSTT's recommendation and the document has been amended to read “dispatched to the relevant postal agency, no more than two days after generation”.

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	Digicel	With respect to the Authority's proposal that bills should not be delivered more than 5 days after generation, Digicel submits that this time-frame should relate to delivery to the delivery agency as the delivery of bills are out-sourced by most Service Providers and therefore these processes are outside of the Service Provider's control.	Digicel recommends the addition of the words "to the delivery agency" after the words "delivered as soon as possible" in the Authority's "Statement on billing cycles" so that the relevant sentence now reads: "The Concessionaire should make all best efforts to ensure that bills are printed as soon as possible at the end of a billing cycle, delivered as soon as possible to the delivery agency, and in any instance no more than five days after generation."	The Authority notes Digicel's recommendation and Section 6.2.2 of the document has been amended.
6.2.3 Free Itemized Bill	CCTL	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 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.	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.	Notwithstanding that Concession Condition A15 (2) requires <i>inter alia</i> that basic telecommunications services include " <i>free itemized billing</i> ", the Authority does not believe that a fee should be paid where the customer may not have access to the "online or related format", particularly if this format does not meet the legal criteria for the sending or receipt of an electronic record pursuant to the Electronic Transactions Act.
6.2.5 - Termination of	Digicel	With respect to the Authority's proposal under it's	Digicel recommends:	

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Service		“Statement on service termination” that any remaining credit is required to be repaid to the consumer within 14 days of service termination, Digicel considers that this timeframe is highly unreasonable. Additionally, based on the Authority’s definitions, the correct term to be used here is “customer” and not “consumer” as the service contract is with the customer. The Authority should note that with respect to such matters, there are certain checks and balances that are required to be done before such monies are released to the customer, such as, ensuring that all bills have been paid. Digicel has therefore streamlined its systems so that such matters are dealt with in bulk on a weekly basis. To have these matters dealt with on a case by case basis is not an efficient use of a Service Provider’s time.	(1) that the term “consumer” be amended to read “customer” in the last paragraph of the Authority’s “Statement on service termination”; and (2) that a longer timeframe be given for repayment of any remaining credit to the customer, such timeframe to be no shorter than twenty-one (21) working day from service termination.	(1) Noted and agreed. The document has been amended to maintain consistency with the use of the words customer and consumer. (2) The Authority disagrees, as it believes that 14 days, or half a billing cycle, is adequate time for service providers to conduct their checks and balances before monies can be refunded to customers.
6.3.5 – Unethical Practices: Cramming	Digicel	With respect to the Authority’s example of “Charges for calls to an unrecognized number”, although Digicel does not in any way condone the practice of cramming, the Authority is asked to note that where a customer has been roaming, due to the technical limitations behind roaming and call set up for same, Digicel may in some instances be unable to accurately reflect the called number on the customer’s invoice although the charges for such calls would be correctly reflected. This is as a result of the global roaming infrastructure, which is clearly outside the control of Digicel.	Digicel recommends that where roaming is concerned, the Authority note the difficulties faced by Service Providers in providing an accurate reflection of the called number and account for such matters in this section.	The Authority notes the challenges that service providers may face in providing accurate billing information regarding cramming and instances of roaming. However, the Authority maintains that service providers have a responsibility to ensure the capability to investigate with their roaming partners, on a case by case basis if necessary, whether cramming has occurred.
6.4.2 Toll-free Customer	CCTL	CCTL understands the customer benefits of providing toll-	The provision of toll free calls to	The Authority maintains its previous

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Service Line		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 including CCTL allow only customers on their network to access their toll free customer care lines free of charge. 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> 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, 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.	customer service centers should be left to the discretion of the service provider.	decision that this requirement shall not be removed. The Authority once again disagrees with CCTL's recommendation on the basis that such a requirement: • Empowers the customer; • Encourages Service Providers to be more efficient thereby increasing the quality of service; and • should form part of operational costs of providing customer care to subscribers. Further, CCTL's argument here seems contradictory as while conceding that its customers on its network do benefit from toll-free calls, CCTL seems to be arguing that its customers in the cable and data markets are excluded from such a service. The Authority maintains that service providers should provide toll-free services to <u>all</u> its customers, however that service is structured to optimize its costs.

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		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. 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. Here again the fact of competition in the market will drive providers to make cost effective decisions and to provide customers with competitive service options.		
6.4.5 Availability of Service Provider Complaints Handling Forms	TSTT	"Authority proposes that Concessionaire Complaint Forms be available at all places of business and services centres of Concessionaires". The Authority agreed in prior rounds to remove this provision.	Remove this provision as previously agreed in Round 2 and 3.	The provision in round 2 and 3 referred to the provisioning of TATT Complaint Forms at the businesses and service centres. This provision has since been removed and the document has been amended. The quoted sentence refers to the concessionaire's own complaint forms.
6.4.5 Availability of Service Provider Complaints Handling Forms	CCTL	CCTL believes it is unnecessary for TATT to prescribe that customer complaint forms should be kept in tamper resistant receptacle. Once the forms are available and accessible, that should be adequate.	The display arrangements regarding TATT information e.g. complaints forms should be left to the discretion of the service provider.	The Authority notes CCTL's recommendation and has removed this requirement.

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6.4.5- Availability of Service Complaint forms.	Digicel	Although Digicel encourages feedback from its customers, Digicel does not see the need for it to provide hardcopy complaint forms as there are other avenues currently available to its customers to raise such complaints and which allow for faster resolution of their issues. The Authority is asked to note that not only can Digicel's customers call into our customer care centre to make complaints, they can utilise email and social media for this purpose; through these avenues, Digicel is able to expeditiously assist its customers. Further our dealer stores are tasked with immediately informing us of any complaints from customers so that same can be settled in a timely manner.	Digicel recommends that this section be removed as there are other more efficient avenues for customers to raise complaints. Further, should the Authority insist on such forms, Digicel would like for the Authority to clarify whether the complaint forms that are required to be on display are to be the Authority's forms or whether they are to be the Service Provider's forms. The Authority is also asked to further clarify who will be retrieving these forms and how often same is to be retrieved as well as who will be	While the Authority agrees that there are other avenues for customers/consumers to lodge their complaints, the Authority believes that it is necessary to have varying and distinct avenues available to customers to enable them to raise their complaints. If Digicel limits their avenues to calls, email or social media, there would be no identified channel for persons who do not have access to the internet or who finds it time consuming to make such complaints via phone. In light of this, the Authority does not agree that this requirement should be removed. The Authority refers to the concessionaire's complaint form. The Authority is of the view that the onus shall be on the Service Provider to retrieve and review such forms as it involves an aspect of their complaint

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			reviewing these forms. Should the Service Provider be tasked with retrieval of the completed forms, then any associated costs, such as transportation/courier costs, should be met from the Universal Fund.	management process. The Authority disagrees with this recommendation. It is the obligation of the service provider to handle their customers' complaints. Accordingly, this is not a service identified for funding by the Universal Service Fund.
7. Consumer Obligations	CCTL	We are in support of including in the discussion in a general way the obligations of customers in the agreement with their service providers. This brings some balance to the process, and in fact the policy seeks to address both consumer rights and obligations. In addressing the issue of terms and conditions of service, TATT identifies four specific issues that may constitute grounds for suspension or disconnection of service that may be included in terms and conditions of service. CCTL is seeking clarification as to whether TATT is suggesting that this is an exhaustive list. We note for example, non-payment of bills was not included. We understand TATT's role in developing consumer rights regulations and seeking to balance the interests of customers and service providers. However we do not see the need for being overly prescriptive. We believe that any concerns TATT has with general terms and conditions of services could be addressed as part of the review process that is provided for in the scheme of control.	TATT should not prescribe the contents of general terms and conditions of services. Consistent with the spirit of the Concession, any input should be via the review process.	The Authority notes CCTL's comment and advises that the list of issues outlined by the Authority is not an exhaustive one. In addition, the Authority does not believe that it is being overly prescriptive, and is merely providing examples of specific issues which may warrant the suspension or termination of a service. The discretion is still left to the concessionaire to include the specific issues in the Terms and Conditions of a contract.

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Annex 1	CCTL	In addressing the impact of this policy on the industry, the Authority states that it "<i>.. is sensitive to the fact that high capital investments may be necessary to upgrade the operations of existing providers.</i>" To address this concern TATT proposes to phase the implementation of the QoS framework over an eighteen months timeframe. CCTL does not believe this is a useful way forward. CCTL believes that the overriding issue is the additional cost (both capital and ongoing operational) that would be required to support the extensive reporting and monitoring framework that is proposed. There is also the question of whether the cost of such regulatory intervention is justified by the benefits to be derived.	We refer TATT to recommendations made in the Introduction.	The Authority is of the view that self-regulation should not be applied at this time, given that consumers are not yet benefiting from high levels of QoS. One such evidence of this is the numerous complaints received by the Authority on a monthly basis.
Geographical Indicators:		Geographical Indicators: TATT proposes to introduce geographical indicators based on geographical regions that coincide with Regional Corporations or municipal districts. The fact that even at this stage TATT indicates that the geographical classification is subject to further consultations suggests there are concerns with the proposal. This is understandable as the areas listed 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. Given the size of the market CCTL believes this level of	The monitoring and reporting of any standards deemed necessary should be done at the national level only.	The Authority disagrees with the recommendation put forward by CCTL. It is the intention of the Authority to implement monitoring and reporting of KPIs on a geographical basis as opposed to national. This will facilitate the Authority's monitoring aspects of the Digital Divide between urban and rural communities especially as not all national concessionaires have achieved national coverage Referring to section A1 of ANNEX I:

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		disaggregation for monitoring and reporting for quality of service indicators will be too costly to implement, and the reporting requirements burdensome. We recommend that indicators should be defined and reported at the national level only. 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.	We recommend that any reporting should be done annually.	Quality of Service Indicators, the definitions of geographical reporting regions are subject to ongoing review. With respect to the reporting cycle, the Authority proposes to amend the reporting requirements for some of the KPI's as identified. These identified KPI's (essentially those requiring fieldwork for their collection) will report biannually, others (those that can be obtained from automated systems) will remain on a quarterly reporting schedule, while still others would have an annual reporting schedule. The effect is that for most part the Customer Service Indicators (Annex A1.1) reflect the existing reporting framework established between concessionaires and the Authority, pursuant to Schedule F of the Concession. Further, it is the intention that over time, as the market matures and pursuant to consultation with all stakeholders, the reporting frequencies

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		Customer Service Indicators: In terms of the individual indicators, in general CCTL would support monitoring and reporting in line with current reporting and where variables are already measured as part of the company's internal operation and quality of service management systems. We would also offer the following specific comments. TATT indicates that Average Waiting Time for Customer Activation is intended to measure wait time where no capacity is available, but where access is available. CCTL is seeking clarification on this item, as the rationale for this metric is unclear.	CCTL recommends a more simplified regime based on the performance standards defined as immediate. The definition should reflect that provided for in the Concession document.	will be adjusted. The Authority disagrees with the recommendation put forward by CCTL as the simplified regime which CCTL is proposing may not provide the Authority with the relevant information needed for monitoring CQoS in the industry. Indeed this approach would be counter to the intent of the framework to monitor performance from a customer perspective, as this would encourage network/ operator-centric reporting exclusively. In addition, in order to ensure that there is uniformity in reporting among concessionaires, monitoring and reporting should not be in line with a particular service provider's quality of service management systems. The Authority notes CCTL's concern and proposes to eliminate this indicator from this framework. Instead, the Authority shall use other methods of review, to identify areas where access network availability causes waiting times beyond the Service Activation thresholds of indicator 1.1.

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		Normally a standard for service reactivation time is specific to reflect reactivation after a customer has been disconnected for non-payment of a bill. This is what is reflected in the Concession document. The definition provided in the consultation document makes reference to settlement of respective issue. It is unclear what is meant by the phrase 'respective issue'. Given this lack of clarity CCTL could not commit to such a standard. For example if the requirement to resolve a particular issue requiring that a crew be dispatched if there was some physical disconnection of facilities, the requirement to reactivate service within the timelines proposed may not be realistic. The definition of this standard should be restated to deal	The definition of this standard should be restated to deal specifically with service reactivation for non- payment of bills as provided for in the Concession document.	Notwithstanding the above, where the Authority receives consistent notification from consumers that they have been informed of no network capacity/ availability, the Authority shall investigate these complaints noting that the concessionaire is obliged to meet the roll-out obligations enshrined in its Concession, and the Authority maintains its obligation to engage the concessionaire in accordance with Section 24(1)(a) of the Act to ensure that the instances of network development are undertaken in a timely manner to ensure access by potential customers within a reasonable time. Regarding the recommendation to align the definition of service reactivation specifically to non-payment of bills, the Authority disagrees with this recommendation. Schedule F of Concession document does not limit the definition of service reactivation to only instances of accumulation of arrears.

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		specifically with service reactivation for non-payment of bills as provided for in the Concession document. Fault Repair Time: The definition of fault repair time lacks specificity. For example it is unclear if it defined by service. Beyond the lack of clarity, a standard of 100% clearance within forty eight hours is unrealistic under certain circumstances; For example where third party intervention is required to correct a problem. From our own experience examples of such occurrences maybe in situations where there is a reliance on T&TEC to clear a line fault.		According to indicator 1.5 in the Policy, fault repair time is defined by type of service provision. Accordingly the source of CCTL's "lack of clarity" is itself unclear. Using CCTL's example, where there is a T&TEC fault (where customer premises have no electricity) this is not considered a fault incident by the concessionaire. However, if CCTL's systems suffer from T&TEC power failure it is expected that the network design includes provision for backup power. Accordingly, based on this premise of distributed responsibility, the Authority maintains that the 48 hour timeframe is reasonable particularly in the context of the Grade of Service indicator.

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Conclusion		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.		Agreed. The Authority believes that the framework established by CROP and its Regulations will meet the objectives elucidated by CCTL, while minimizing the regulatory burden and cost to the operator.
A1 Summary of Indicators and Standard levels	TSTT	“the Authority is sensitive to the fact that <i>high capital investments</i> may be necessary to upgrade the operations of existing Service Providers. The Authority hence recognizes that it may be necessary to impose certain of these QoS standards on phased basis” Contradicting itself in "<i>S4.1 The Consumer's Right to a minimum quality of service</i>", blithely imposing tremendous burdens on SPs with no cost recovery mechanism proposed neither is there real and meaningful engagement of SPs at an operational level to determine the practicalities involved in the proposed reporting. See further Pg 93 DoR VO.3 "The Authority does not believe that this challenge (i.e. reporting by geographic region) is insurmountable or necessarily that costly". TSTT continues to iterate its disagreement with reporting geographically along CSO districts as an impractical and practically impossible task. See further Pg 93 DoR VO.3 "The Authority does not believe that this challenge (i.e. reporting by geographic region) is insurmountable or	Please convene an industry working committee to resolve this issue. Dismissing the impact of implementing such an onerous reporting standard same should not be decided unilaterally by the Authority or dismissed as not being “necessarily that costly”. This the latter assertion begs the question of what assessment did the Authority use to arrive at this conclusion and TSTT would be grateful to be provided with same	The Authority notes TSTT’s comments and recommendations. Referring to section A1 of ANNEX I: Quality of Service Indicators, the definitions of geographical reporting regions are subject to ongoing review. . TSTT is asked to note that in the document, the Authority has moved from CSO districts to the Municipalities and as such has reduced complexity. The list on page 107 has been amended

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		necessarily that costly".		to accurately reflect the Municipalities and Tobago.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.1 - Service Activation Time	TSTT	"The installation of the service shall be completed within this time period, provided that internal wiring has been completed up to the point of demarcation". Clarification is sought to identify the "point of demarcation". This KPI appears to contemplate a simple installation at a residential premise. Please provide clarification as to the installation of a Business phone which can be more involved requiring access to ducts, access points and adherence to security and safety requirements. Further reporting by Geographical Basis along CSO boundaries is impractical. The Authority "... recognizes the potential limitations to these geographic definitions, and will seek to consult with the industry on the most appropriate boundaries for geographic reporting on QoS" but has not detailed when and how it intends to engage SPs to drive practical boundary parameters. TSTT respectfully proposes the use of its own 5 District boundary reporting standard which is a tested and successful model.	Clarification is sought to identify the "point demarcation" referenced	The "point of demarcation" refers to the point at which the service provider's installation ends, and the customer's internal wiring begins, on the customer's premises. This applies to both residential and commercial customers. The Authority notes TSTT's comments and recommendations. Referring to section A1 of ANNEX I: Quality of Service Indicators, the definitions of geographical reporting regions are subject to ongoing review. While the Authority appreciates the proposal, TSTT's five districts may not be shared by other concessionaires in the market, consequently is an ill fit for a sector-wide framework of geographic classification. In light of the above, the

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				Authority recommends the use of the Municipalities and Tobago, as this can be readily assessed from customer addresses, and is fairly limited in number (15)
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.1 - Service Activation Time	Digicel	The service activation time proposed by the Authority with respect to mobile providers does not sufficiently take into account the following factors that will influence the time taken to activate the service: (1) seasonal periods, for example Christmas and Carnival, during which there is high traffic; (2) systems' downtime due to internet failure or software malfunctions; or (3) instances where the customer submits incomplete or inaccurate information. Digicel should not be held responsible for such stringent activation times where there are circumstances existing that are outside of its control.	Digicel recommends that in making assessments of the service activation time of Service Providers that the Authority ensures that it accounts for factors which are beyond the Service Provider's control, which can negatively impact the timeframe proposed by the Authority. Additionally, Digicel recommends that a more reasonable timeframe under the "Immediate" column for mobile providers would be 90% in < 1 hour as opposed to 95% in < 1 hour	The Authority notes these concerns. However, it should be noted that factors such as "seasonal (peak) periods", and "system downtime" are not regular occurrences and strategies for operational adjustment to cater for such instances should be part of the operator's due diligence in providing service to the public. Instances where there are incomplete customer applications would not be included in the assessment of this metric. Notwithstanding the above, the Authority agrees with the recommendation. Timeframes for "Immediate Service Activation" times were re-examined on the basis of the recommendation and revised to reflect the following: <i>Mobile Telecommunications: Immediate: 90% in < 1 hour</i>

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Indicator 1.2 Average Waiting-time for service Activation	TSTT	“ The average waiting time for service activation where access network is available, but there is no capacity for service activation" Augmentation of distribution capacity to accommodate new facilitates e.g. at the exchanges, involves capital expenditure as well as engineering and construction activities which will take more than 28 days to complete. The proposed timeframes are not practicable in every situation.	Revise measure to apply only where provisioning is reasonably available.	The Authority notes TSTT's concern and proposes to eliminate this indicator from this framework. Instead, the Authority shall use other methods of review, to identify areas where access network availability causes waiting times beyond the Service Activation thresholds of indicator 1.1. Notwithstanding the above, where the Authority receives consistent notification from consumers that they have been informed of no network capacity/ availability, the Authority shall investigate these complaints noting that the concessionaire is obliged to meet the roll-out obligations enshrined in its Concession, and the Authority maintains its obligation to engage the concessionaire in accordance with Section 24(1)(a) of the Act to ensure that the instances of network development are undertaken in a timely manner to ensure access by potential customers within a reasonable time.
Annex I: Quality of Service Indicators: A1.1 Customer	TSTT	"The percentage of service reactivations (the time period a between the settlement of respective issue and when the	Maintain current standard outlined in the Concession at Schedule F.	The Authority acknowledges these concerns. In view of this we propose a

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Service Indicators: Indicator 1.3 - Service Re-activation Time		service is actually re-activated) carried out in less than applicable standard. For example, service re-activation may occur where a consumer has been disconnected from a service." The current Concession provision for reactivation is ≤ 24 hours or the next working day. This is a reasonable and achievable timeframe as compared to the Authority's proposal of 100% in 1 hr, which does not take into account the business processes associated with reactivation and that SPs do not run 24 hour businesses.		revision to the definition to read as follows: <i>“The percentage of service reactivations (the time period between the confirmation of settlement of the issue that triggered loss of service and when the service is actually re-activated) carried out in less than applicable standard. For example, service re-activation may occur where a consumer has been disconnected from a service.”</i> With regard to the reasonableness of the proposed period for reactivation, the Authority is of the view that after “confirmation of settlement of the issue”, the reactivation process is very much akin to the service activation process. Accordingly, there should be parity in the standards. In light of the above, the Authority proposes to adjust the standard to 90% within 1hour.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.3 - Service Re-activation Time	Digicel	Digicel wishes to reiterate that customers may elect to use various payment methods that may not take immediate effect; for instance the time it takes for a cheque to be honoured by a bank, the time external payment centres take to remit payment to the Service Provider. The standard timeframe should commence from confirmation	This standard should be amended to reflect that in the cases of payment of arrears, the time frame should commence when proof of payment has been received by the Service Provider.	The Authority acknowledges these concerns. In view of this, the definition has been reviewed to read as follows: <i>“The percentage of service reactivations (the time period between the confirmation of settlement of the issue</i>

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		of payment and not simply from settlement of the issue (as provided for in G.2 of Schedule F of the Concession). In such circumstances where payment is made to Digicel via cheque or external payment centre, once the customer provides proof of payment in the form of a copy of a receipt or cheque, Digicel will reactivate the customer's account within an hour. Further, the Authority is asked to note that there are different types of issues that would cause a difference in reactivation times. On the one hand, customers who have been disconnected from the service but whose accounts have not yet been outsourced (or flagged to be outsourced) to a collection agency, will be able to make a payment to one of our Digicel dealer stores or at any of our offices and the service will be reconnected within one hour of payment. However, as previously stated where the payment is made at one of our external payment centres such as VIA, Sure Pay or Bill Express, re-activation can take approximately 24 hours unless the customer provides proof of payment. On the other hand, if a customer's account has been outsourced (or flagged to be outsourced) to a collection agency, settlement of outstanding monies on their account will not result in reactivation time within one hour as there are certain checks and balances that must be made prior to the activation; in such cases the account will be re-	Further, Digicel recommends that, as there are various issues that can cause a delay in the standard reactivation time proposed by the Authority for mobile operators, such as system malfunctions, payment being made to an external payment centres or the stage at which a customer's account is at, the standard should be amended to account for such issues. Digicel recommends that the standard be amended to read: 100% in 2 working days.	that triggered loss of service and when the service is actually re-activated) carried out in less than applicable standard. For example, service re-activation may occur where a consumer has been disconnected from a service.” With regard to the reasonableness of the proposed period for reactivation, the Authority is of the view that after “confirmation of settlement of the issue”, the reactivation process is very much akin to the service activation process. Accordingly, there should be parity in the standards. In light of the above, the Authority proposes to adjust the standard to 90% within 1hour.

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		activated in approximately three working days. The Authority is also asked to note that system malfunctions can also cause delays in the reactivation time and as the Authority will note such matters are outside the control of the Service Provider.		
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.4 Fault Incidence	TSTT	"The number of service fault complaints received per 1000 to subscriptions in a given period." The proposed level of <60, <55 and <45 per 1000 subscriptions in the Immediate, Short and Medium terms are unreasonable given the realities of the existing network infrastructure.	Work with SPs realistic derive targets.	The Authority welcomes ongoing consultation on these matters, even after the finalization of this Framework and its associated Regulations. TSTT should first note clarifications of the scope of this metric: it relates to isolated access network faults (e.g. subscriber line faults) only. In that regard, the measurement of such metrics are with precedent, and the benchmarks cited in line with international benchmarks. Agata and Nakamura² highlighted the reported fault incidence in a sample of OECD countries, as below:

² A. agata, K. Nakamura (2013) "Convergence of Telecommunications and Broadcasting in Japan, United Kingdom and Germany: Technology Change, Public Policy and Market Structure"

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		Clarification is required in the calculation of the metric: Should Fault incidence be calculated daily and then average taken over period? If there are 100 customers and 2 faults received daily then the daily Fault incidence is 2/100 or 2% averaging 2%. Based on the proposed formula the calculation for the month is 60% -(2*30 faults 1100 customers) -the fault incidence is cumulative while the customer count is static.		<i>Table 8</i> Quality of Service: Fault Incidence <table><tr><th rowspan="2"></th><th colspan="2"><i>Faults per 100 lines per year</i></th></tr><tr><th><i>1995</i></th><th><i>1997</i></th></tr><tr><td>France</td><td>6.3</td><td>6.2</td></tr><tr><td>Italy</td><td>12.6</td><td></td></tr><tr><td>Sweden</td><td>8.4</td><td>4.3</td></tr><tr><td>U.K.</td><td>14</td><td>13.8</td></tr><tr><td>U.S.</td><td>5</td><td>0</td></tr></table> <i>Source:</i> Productivity Commission, Australia The proposed benchmarks indicate a move from what pertained in France in 1995 to what pertained in Sweden in 1997. It is noteworthy that these standards are more relaxed than that reported by the US over those periods. In this regard the Authority deems these targets reasonable as baseline in Trinidad and Tobago in 2014. With regard to the calculation of the metric, TSTT should note that in reference to the formula provided: - “<i>F</i>” should be the confirmed “access network faults” in the three month reporting period. - “<i>L</i>” is self-explanatory. The calculation of the metric would not		<i>Faults per 100 lines per year</i>		<i>1995</i>	<i>1997</i>	France	6.3	6.2	Italy	12.6		Sweden	8.4	4.3	U.K.	14	13.8	U.S.	5	0
	<i>Faults per 100 lines per year</i>																							
	<i>1995</i>	<i>1997</i>																						
France	6.3	6.2																						
Italy	12.6																							
Sweden	8.4	4.3																						
U.K.	14	13.8																						
U.S.	5	0																						

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				aggregate as suggested by TSTT. The description of the fault has been amended to provide additional clarity.
	Digicel	With reference to the Authority's response to Digicel's comments on this indicator in the previous draft of this Policy, it is our understanding that this standard will not be measured based on customer complaints but rather it will be based on the number of unique faults which occur within a measuring period.	The Authority is asked to confirm whether Digicel's interpretation of the measurement of this indicator is accurate. If not, the Authority is asked to further clarify exactly how this indicator will be measured.	Digicel's interpretation is correct. For the absence of doubt, "isolated access network faults" for a mobile network would include instances where a single cell-site, or single cell-site sector is off-air, or not handling calls/sessions.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.5 fault Incidence	TSTT	"The percentage of fault repairs fulfilled within applicable standard time frames. Fault Repair time is the difference between the time of receiving a fault report, and the time at which service is fully restored." This is an overly simplistic view of fault repair since a repair involving a change to network or plant equipment will necessarily take longer than a non –network or plant repair. Further it is our experience that most subscribers work during the week which limits access to customer premises. SPs also do not engage in 24 hours operations and even afterhours repairs have been constrained by customers' reluctance to admit work men after hours into their	Set a graduated target based on the types of faults received. Work with SPs to derive realistic targets.	It should be noted that the comments made by TSTT seem to refer to Indicator 1.5 "Fault Repair time." As outlined in the response to the comment on Indicator 1.4, the scope of this indicator is limited to only "localized access network faults," accordingly the instance where significant network elements would need to be procured (as opposed to utilizing spare network elements in storage) would not arise. Further, while this consultation was an opportunity for service providers to make concrete recommendations on "realistic targets,"

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		premise, further compounded by dangers to said staff given the current crime situation. A more practical target would be to set a graduated target based on the types of faults received. TSTT remarks that the terms "reported fault" and "fault complaint" are used interchangeably yet for the purposes of complaints handling a clear distinction is required.	There must be a clear distinction between a “reported fault” and a “complaint” regarding an outstanding fault.	the Authority notes the lack of submission of proposals for same. Notwithstanding same, the Authority will consider implementing a prioritized approach based on the nature of the fault or number of consumers affected by the fault To remove the ambiguity between reported fault and fault complaint, in the measurement method of this indicator, fault complaint has been replaced with fault report.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.5 Fault Repair Time	Digicel	Based on the response to Digicel provided by the Authority in its Decisions on Recommendations in relation to this indicator, Digicel’s understanding is that the fault repair time is the time that is taken by a mobile Service Provider to resolve faults in keeping with our interpretation of the measurement of Indicator 1.4 above.	The Authority is asked to confirm where Digicel’s interpretation of the measurement of this indicator is accurate. If not, the Authority is asked to further clarify exactly how this indicator will be measured.	Digicel’s interpretation is correct.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.6 Consumer Query Response Time	Digicel	It is yet again apparent that the Authority has failed to give consideration to Digicel’s comments submitted on the previous version of this draft Policy and as such we again wish to reiterate that it is patently unjust to measure the response time from the start of the Customer’s query as the time it takes to make an oral query is entirely dependent on the Customer. The timeframe proposed for telephone support and customer service centres should commence	Digicel again requests that the timeframe proposed for telephone support and customer service centres should commence from the point where the Customer has efficiently explained the query.	The Authority notes Digicel’s comments and recommendation. The definition of this indicator has been revised to bring clarity. <i>“The time period elapsed between the start receipt of a consumer’s query and</i>

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		from the point where the Customer has comprehensively explained the query. Service Providers should not be made to uphold standards that are based on the Customer's behavior over which the Service Provider has no control. Further, with respect to the Customer Query Response time for Postage or Faxed Letter for mobile providers, the Authority should take account of delays caused by incorrectly addressed complaints as well as inefficiency of the postage system in assessing a Service Provider's response time. With respect to the timeframes given for mobile providers for Customer Service Centres, it is impractical and unreasonable for the Authority to expect the acknowledgement to include a commitment as to the time within which the investigation will be completed, especially as in some cases the service centre may be	Digicel recommends that the Authority take into account delays that may be caused by incorrectly addressed complaints as well as inefficiency of the postage system in assessing a Service Provider's response time with respect to the timeframes outlined under the column "Postage or Faxed Letter" and ensure that the measurement to reflect the start of the consumer's request is calculated from the date of receipt of the Postage or Faxed Letter by the Service Provider and not the date of the Postage or Faxed Letter. Digicel would suggest that it is more practical to have the timeframes for mobile providers under the column "Customer Service Centres" reflect: 85% < 1 hour and 95% < 2 hours	<i>the acknowledgment of that query by the service provider"</i>. The following points should be noted: 1. The exact time marking the start of a consumer's query request for the purposes of this metric, does not commence upon the mailing of letters, but upon receipt by the Service Provider. 2. The average value for the consumer query response time is expected to be within the ranges proposed. An error was picked up in the formula. It should be f, not c. the document has been amended. The time frames outlined for this indicator reflects the time within which Service Providers shall acknowledge receipt of the query. As such, the Authority believes that the timeframes stipulated in the Policy is a reasonable one. However, to address Digicel's concern regarding the inclusion of a commitment to the time within which

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		required to contact its Head Office in order to provide same.		the investigation will be completed, the Authority has amended the purpose of this indicator to reflect that the service provider shall include in its response to a consumer query the standard time for resolution of the complaint/problem in accordance with Indicator 1.8.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: 1.7 Customer Service Call Answering Time	Digicel	The time taken to answer customer calls is linked to a number of factors such as availability of agents; some queries engage customer care agents longer and leave them unavailable to take other calls. The quality of customer care is determined by the quality of handling of the calls and ensuring Customers have their queries satisfactorily addressed; the priority ought not to be the quantity of calls answered. The Authority again seems to be implying that the quality of customer service is measured by the quantity of calls that a Service Provider can answer. Digicel, however, is of the firm belief that the quality of customer care is determined by the quality by which it handles the calls from its customers. The main priority of the Service Provider should therefore be ensuring that customers' queries are satisfactorily addressed.	Digicel asks that the Authority clarify whether, with respect to the percentage of calls not answered, this figure represents the percentage not answered within the proposed timeframe or whether it represents the percentage not answered after the proposed timeframe. In any event, Digicel recommends that the percentage of calls not answered by mobile providers be increase to 5% as there are a quite a number of everyday occurrences that are beyond a Service Provider's control that can cause delays in the answering time; 5% is a more practical figure.	The figure refers to the percentage of the calls not answered within the proposed timeframe. The Authority acknowledges this request and will consider increasing the percentage of calls not answered to 5%.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators:	TSTT	"The percentage of the total number of consumer complaints received for a service offered, which have been resolved by a Service Provider before the applicable	Set a graduated target based on the types of faults received.	The examples in the comment do not reflect examples of faults or fault resolution which this indicator is

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Indicator 1.8 Consumer Complaint Resolution		standard, within the given period" The immediate repair time frame of 100% in 20 days for complaints does not take into consideration complex complaints e.g. regarding coverage where cell sites have to be constructed or where for fixed, facilities have to be upgraded.		seeking to capture. These examples are more appropriate in instances where roll-out obligation need to be pursued. Where development works are required, “resolution” of the complaint will be considered where the concessionaire communicates to the customer such that the matter is closed in the concessionaire’s complaint handling process. Notwithstanding the above, the concessionaire is obliged to meet the roll-out obligations enshrined in its Concession, and the Authority maintains its obligation to engage the concessionaire in accordance with Section 24(1)(a) of the Act to ensure that the instances of network development are undertaken in a timely manner to ensure access by potential customers within a reasonable time.
Annex I: Quality of Service Indicators: A1.1 Customer Service Indicators: Indicator 1.8 Consumer Complaint Resolution.	Digicel	It should be noted that as there are a number of different types of complaints, the timeframe for resolution of each complaint will be expected to vary. Digicel would therefore suggest that the timeframe for resolution of complaints be extended as it should be all encompassing.	Digicel recommends the following amendments to the timeframes for mobile providers, which it believe are more reasonable: the immediate timeframe for resolutions be amended to	The Authority disagrees with this recommendation as it believes that the timeframes outlined in this indicator are reasonable.

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		Further, Digicel again wishes to reiterate its comment on the previous draft of this Policy relating to this indicator as it is clear that the Authority did not give adequate consideration to same: there may be a delay in responding to incorrectly addressed complaints.	reflect: 75% in 14 working days; - the short term timeframe be amended to reflect: 75% in 10 working days and 95% in 14 working days; and - the medium term timeframe be amended to reflect 75% in 7 working days and 95% in 10 working days. In respect of written complaints the timeframes proposed by the Authority or those suggested by Digicel should only apply to properly addressed complaints. Complaints should be addressed to the Head of Customer Care or the Customer Care Department. As the Authority will appreciate, the entity run by each Service Provider tends to be quite large and if letters are incorrectly addressed, this can lead to same being unintentionally misdirected thus leading to delays in responding.	The Authority maintains its position regarding the timeframes for this indicator. As part of efficient Customer Care, the onus is on the service provider to ensure that their customers are informed of the relevant person/department to which a complaint should be addressed. This is clarifying information which may even be included in the Service Provider's Customer Charter.
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators:	TSTT	"The percentage of public payphones operational on a daily basis, on average within the given time period." <i>Standards</i>	Correct to state Fixed Telecommunications Service Providers.	The Authority disagrees. Regulation 12 of the draft Universal Service Regulations requires <u>all</u> concessionaires to undertake the mandatory initiatives,

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Indicator 2.1- Public Payphone Availability		Less than 15% of public payphones should be out of service during a given period. <i>Fixed Telecommunications Service Providers</i> > = 85% <i>Mobile Telecommunications Service Provider</i> >= 85% Please remove "Mobile Telecommunications Service Providers" as this is not applicable.		one of which is installation of payphones. Accordingly, Mobile Telecoms service providers may be obliged to install public payphones/ access nodes.
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.1- Public Payphone Availability	Digicel	The Authority seems to have included in this proposal the requirement that mobile operators are to provide public payphones in an effort to ensure that persons have optimal access to a basic telecommunication service. We note that this was not a requirement for mobile operators under the previous draft of this Policy. As the Authority will appreciate, this proposal is not practical as there is no proper means to adequately secure mobile handsets at a particular location.	We ask that this requirement be removed as it is not practical for a mobile operator to be mandated to provide public payphones.	The Authority disagrees. Regulation 12 of the draft Universal Service Regulations requires <u>all</u> concessionaires to undertake the mandatory initiatives, one of which is installation of payphones. Accordingly, Mobile Telecoms service providers may be obliged to install public payphones/ access node.
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.2- Network Grade of Service/ Service Availability	TSTT	"The overall percentage of time during which the service network can be accessed by consumers" Concession definition: " The ratio of lost calls to total call attempts to a group of junctions. The smaller the value of GOS the better the service. A value of 0.002 means that two calls in one thousand calls may be lost. Fixed GOS: 0.005; Mobile GOS : 0.04. Clarification is sought as to what is being measured i.e. network congestion or minutes of down time. Currently the congestion is measured using a Traffic Channel (TCH)	Clarification is sought as to what is being measured i.e. network congestion or minutes of down time.	The "Network Grade of Service/Service Accessibility" indicator refers to the network reliability in terms of minutes of downtime, expressed as a percentage of annual minutes.. This measurement approach was adopted as it can be applied for any type of network. The title of the Indicator will be amended to avoid confusion.

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		seizure value. Refer to http://www.iosrjournals.org/iosrjecelpapers/IVol3-Issue2IB03206J3.pdf TCH Congestion Rate: This is the measure of congestion at the busy hour of the network when there is no congestion in the data network. Is the Authority proposing a significantly more stringent measure? TSTT doesn't measure downtime in minutes.		
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.2- Network Grade of Service/Service Availability	Digicel	The definition provided by the Authority is ambiguous as this Indicator appears to be implying that the measurement is both for availability and accessibility when in fact these are two distinctly different measurements. With regards to the proposed “Network” standard for mobile operators, our understanding is that the Authority is seeking to measure the length of time during which the entire network of a Service Provider is down. With regards to the proposed “Individual” standard for mobile operators, clarification is needed with regards to how a Service Provider is expected to measure an individual's grade of service and his/her service accessibility.	The Authority is asked to confirm whether Digicel's understanding of the meaning of the “Network” standard is correct. The Authority is asked to clarify how mobile operators are expected to measure an individual's grade of service and his/her service accessibility	The Authority notes and agrees. The title of the Indicator will be amended. The “Network Grade of Service” indicator refers to the network reliability in terms of minutes of downtime, expressed as a percentage of annual minutes. This measurement approach was adopted as it can be applied for any type of network. The Authority notes this comment and agrees that this Indicator is not applicable to individual subscribers. The column so titled has been deleted.
Annex I: Quality of Service Indicators: A1.2 Telecommunications	Digicel	To be able to provide service for the number of customers that we currently have with the amount of spectrum currently assigned to us, Digicel has to use speech	Digicel requests that the Authority advise as to the source of this measure of a MOS Factor of 3.8 and	The Authority notes the concerns expressed, but would like to highlight that the proposal is a relaxation of the

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Specific Indicators: Indicator 2.3 – Speech Transmission Quality		compression that will overall prevent us from meeting at least a MOS Factor of 3.8. As far as we are aware, this standard is unattainable for any Service Provider in Trinidad and Tobago. It is notable that this indicator is a new addition to this Policy; it was not included in the previous draft of this Policy.	in which countries such a measure is so implemented by the regulators. It is difficult for us at this time to provide a recommendation without a complete understanding of the background of this proposed measure. Digicel proposes that the Authority convene a meeting with Service Providers to further discuss this proposed measure before such a measure is imposed.	existing obligation in the Concession where Digicel is already obliged to provide, currently, speech quality of a MOS Factor 4.0 or better. The Authority is of the view that a meeting is not required at this time, since this proposal is a transposition from Schedule F of the Concession, which has been in effect for 8 years, and therefore there is reasonable anticipation that the operators are familiar with this obligation. Notwithstanding the above, to address Digicel's concern, a reliability factor of 95% has been introduced to account for causes of QoS degradation, such as network congestion. Further citations are provided in the References section which could guide interested parties into the MOS Factor framework, and its relevance to call quality.
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.4 – Dropped	TSTT	The percentage of total established calls which are on unintentionally lost after establishment, due to failure of handover, radio loss or network congestion, during a given period" ...	Conduct drive tests on an hoc basis or as required.	The Authority has amended the methodology of the indicator to reflect that the drive tests considered here would be limited to highways, primary and secondary roads, as the intent is to

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Call		"This data shall be obtained from mobile field tests conducted by the Service Providers, within areas of high population density. The following baseline parameters will be determined by the Authority, in consultation with relevant stakeholders: - o Regions of "sufficiently high" population density - o The " busy hour" period when tests will be conducted - o The route to be used during testing - o Vehicular speed at which field tests will be completed - o Duration of calls made during tests - o Number of calls to be made" Proposed drive tests will increase the demands on internal resources since this is not a current mode of measurement. TSTT has supported the Authority's ad hoc requests for drive tests and recommends that such tests continue to be done on an as needed basis.		determine a statistical representation of network performance and is not intended to facilitate detailed network review or optimization, which would require significantly more detail. With respect to the reporting cycle, the Authority proposes to amend the reporting requirements for some of the KPI's as identified. These identified KPI's (essentially those requiring fieldwork for their collection of data such as in this instance) will report biannually, while others (those that can be obtained from automated systems) will remain on a quarterly reporting schedule. It is the intention that over time, as the market matures and pursuant to consultation with all stakeholders, the reporting frequencies will be adjusted.
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.5 – Call Setup Success Rate	TSTT	"The percentage of total calls successfully established to total calls attempted, during a given period": "Data Requirements" is missing "	Please add missing information.	Data Requirements as follows: Call Setup Success Rate information is to be generated by Service Provider's voice traffic statistics, as well as the outputs of the measurement procedure.
Annex I: Quality of Service	TSTT	The average network available bandwidth from the ISP	Please provide clarification.	TSTT's comment seems to be with

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Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.5 – Call Setup Success Rate		central server to an individual consumer's access point, in kilobits per second (kbps) for various service packages (both narrowband and broadband) ... " >= 100% should be = 100% (cannot be greater than 100%) How does TATT anticipate that a SP measure this for all consumers? Throughput data on ALL broadband subscribers can be a significant challenge. There is no tool currently in place that can perform average throughput per package on all broadband customers. If throughput on SOME broadband subscribers is what is actually meant, then it is possible that this can be addressed by a combination of systems, to generate the required reporting however, any reporting platform that exists which can do this sort of reconciliation would require time and resources to develop.		regard to Indicator 2.7: Available Bandwidth to Consumer Noted and agreed. The Authority envisages that the throughput on a sample of broadband customers is provided. The Data Requirements section has been amended to provide clarity in this regard.
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.8 – Message Sending Time (Delay Time)	TSTT	“The time elapsed between the sending of an SMS (Short Indicator 2.8 Message Sending), or MMS (Multimedia Message Service) by one consumer, and the receipt of such by another consumer” The descriptor is indicative of the measurement (time) for the sending of a single SMS from one subscriber to another and the impression conveyed is that this will be typical for all SMMO/SMMT transactions. There is no time data captured on the MSC or SMSC. One can check the time with a stop-watch for the SMMO/SMMT where both the sending and receiving party are in good coverage areas. If the receiving party is in an area of poor or	Please provide clarification.	The Authority notes the request for further clarification of this Indicator. The Message Sending Time (Delay Time) has been amended to “Message End-to-End Delivery Time”. Concerns over the availability of this data from messaging servers, have been factored into a revised testing approach, as outlined in European Telecommunications Standards

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		intermittent coverage then delivery of the message will be prolonged dependent on the store and forward scheme of the SMSC. Also this may vary dependent on SMS inter-working. The purpose does not reflect the description but instead points to the reliability and timeliness of the originating/terminating process. Even though an SMS can be 'successfully sent' as per the mobile display, this means only that it has successfully reached the SMSC and not that it has been delivered to the B party. The delivery process cannot always be guaranteed by the SP because the receiving party could be switched off or in no coverage areas etc. Please advise if this is correctly interpreted in that the measurement method is reflective of only origination success rate (SMMO), which is the number of successfully sent messages divided by number of originating attempts.		Institute ^[1] , via stationary tests with a complementary set of sending and receiving terminals. Data for this KPI will be collected via tests conducted out by the Authority.
Annex I: Quality of Service Indicators: A1.2 Telecommunications Specific Indicators: Indicator 2.8 – Message Sending Time (Delay Time)	Digicel	Digicel reiterates its previous comment on this section as it is clear from the Authority’s response that Digicel’s said comment and recommendation were not properly considered. The standard proposed with respect to SMS and MMS should not apply to instances where the sending time is delayed as a result of the customer’s actions, for example, where the handset is switched off, the handset inbox is full, the consumer is out of the service area or if the recipient of an MMS has insufficient credit to download the MMS.	The standard proposed with respect to SMS and MMS should not apply to instances where the sending time is delayed because of factors caused by the customer.	The Authority notes the request for further clarification of this Indicator. The Message Sending Time (Delay Time) has been amended to “Message End-to-End Delivery Time”. Concerns over the availability of this data from messaging servers, have been factored into a revised testing approach, as outlined in European Telecommunications Standards Institute^[2], via stationary tests with a

^[1] http://www.etsi.org/deliver/etsi_tr/102500_102599/102529/01.01.01_60/tr_102529v010101p.pdf

^[2] http://www.etsi.org/deliver/etsi_tr/102500_102599/102529/01.01.01_60/tr_102529v010101p.pdf

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		Reference is made to the Authority's response to Digicel's previous comment on this indicator, wherein the Authority stated "...However in instances where audits are conducted by the Authority, such factors will not arise." Digicel would like the Authority to advise on exactly how this "audit" will be conducted. Further, for the Authority to state that "such factors will not arise" is quite impractical as these factors where customers are absent on the network (e.g. the handset switched or customer outside the service area) are a regular everyday occurrence. Additionally, the Authority is asked to note that a Service Provider has no control over the delivery of SMS: (1) to customers of other networks; or (2) where its customers are roaming.	The Authority is asked to explain in detail how its "audit" will be conducted.	complementary set of sending and receiving terminals. Data for this KPI will be collected via tests conducted out by the Authority.