

Decisions on Recommendations on the Draft Telecommunications (Consumer) (Quality of Service) Regulations, 2015

The following summarizes the comments and recommendations received from stakeholders on the first draft of this document (dated March 2015), and the decisions made by TATT as incorporated in this revised document (September 2015).

Document Sub-Section	Submission Made By	Comments Received	Recommendations Made	TATT’s Decisions
Title of Document	TSTT	<p>The impression that is conveyed while reading this document is one of hasty carelessness. In most instances the Authority is inconsistent between the framework document that informs these regulations, or, inconsistent within this document itself.</p> <p>We recognized such an inconsistency in the Title of the document that states Draft Telecommunications (Consumer) (Quality of Service) Regulations, 2015. However, within the body of this draft regulation on page 8 and once more on page 11- the dates had been found to be inconsistent with that of the title and recorded as 2014. From the maintenance history, it can be clearly seen that this is the first version published by the Authority. TSTT question therefore why the Authority is making reference to regulations 2014 when this is the first version published in 2015.</p>	Clarification is needed	Noted. The necessary amendments have been made to the document.
1. Introduction				
Introduction	CCTL	Columbus Communications Trinidad Limited (“CCTL”) welcomes the opportunity to share its experience and insights to support the development of appropriate quality of service regulations for the sector. To support the robust and sustainable development of the		Noted

		<p>sector such regulations should be in keeping with the prevailing competitive market environment, and underpinned by the key regulatory principle of proportionality.</p> <p>CCTL reserves its' right to comment in ensuing phases of this consultation process.</p>		
Introduction	TSTT	<p>TSTT, is pleased to respond to the Authority's consultation: <i>Draft Telecommunications (Consumer) (Quality of Service) Regulations, 2015</i></p> <p>Indeed Quality of Service is extremely beneficial for the customer and the sector as a whole as it provides an opportunity to safeguard the interests of all consumers in the telecommunications and broadcasting sectors. Moreover, it places an onus on providers directly to address consumer needs and expectation to increase consumer confidence. The Authority (pg 5, Quality of Service Regulations, 2015) and the Consumer Rights and Obligation Framework specifies its aim as:</p> <ul style="list-style-type: none"> ▪ Access to essential telecommunications and broadcast services; ▪ Access to the information required to make informed consumption decisions; ▪ Personal privacy which is respected and protected; ▪ Minimum standards for consumer-related service quality; ▪ Protection from unfair and anti-competitive business practices; ▪ Effective and efficient complaint recognition, handling and resolution; ▪ Information which creates an awareness of relevant consumer obligations. 		Noted

		TSTT recognizes this importance and has always been an advocate for modern products offering, infrastructure and services to reach our most remotely situated customers.		
Section 1.1 – Relevant Legislation	Digicel	The reference to “Interconnection Regulations” in line 2 of this section appears to be an error.	“Interconnection Regulations” in this section needs to be replaced by “Telecommunications (Consumer) (Quality of Service) Regulations”	Noted. The necessary amendments have been made to the document.
Section 1.2 - Review Cycle	TSTT	<p><i>“This document will be modified as deemed necessary by the Authority, subject to the approval of the Minister and Parliament, in order to adapt to the needs of the telecommunications industry and to meet changing circumstances. When need for modification is identified, the Authority will announce its intention to review the document and any interested party or entity in the telecommunications sector or any appropriate industry forum may suggest changes to the document...”</i></p> <p>It’s not clear, the manner, to which the Authority will include other parties to make modifications to this document. TSTT notes, that modifications to a consultative document must only be made following a full consultation process.</p> <p>TSTT agrees that it will be appropriate that the Authority continues to make revisions to existing policies, frameworks and regulations drafted and published by the Authority to adapt as the market</p>	TATT should modify the Policy to state explicitly that material modifications to the Policy will only be made following an adoption of a consultation process and having taken account of the comments of interested parties.	The Authority’s view is that this statement sufficiently captures its intention to consult with stakeholders and other interested parties as well as take into account their comments, prior to any modification to the Regulations.

		changes over time. We believe that TATT should commit publicly that any modifications can only be made following full consultation and having taken account of the comments of interested parties. Exception to such is where conflict arises with these regulations and new or amended Acts of Parliament.		
Section 1.4 Other Relevant Documentation	CCTL	<p>In paragraph 1.4 TATT list various “other policies, plans and regulations” that should be read alongside the Quality of Service Regulations. All the listed documents, including the Consumer Rights and Obligation Policy which these regulations seek to implement are yet to be finalized.</p> <p>This raises the issue of the effectiveness of the decision making processes. A great deal of time and other resources are used to respond to consultation documents. Where the decisions do not reflect the considered views of industry stakeholders, and or the decisions are not approved per the legal requirements, the industry does not benefit from such processes.</p> <p>Given these realities, the consultation process should employ a more collaborative and pragmatic approach in identifying issues that adversely impact the development of competition. The process should allow for focus on these issues with the aim of achieving actionable results that will promote effective competition.</p>	We recommend that the Authority uses a collaborative approach to identify issues that adversely impact the development of competition, and focus on achieving actionable decisions through this process.	Noted. The Authority acts in accordance with its Consultation Procedures and, where applicable, utilizes direct collaborative mechanisms to ensure stakeholder input prior to issuance of a document for public documentation.
Section 1.4 -Other Relevant Documentation	TSTT	<p><i>“The Telecommunications (Consumer) (Quality of Service) Regulations are prescribed alongside other policies, plans and regulations prepared by the Authority including the following:- ...”</i></p> <p>We must be mindful in the quoting, citing and using documents in support of regulations where such documents are draft themselves or</p>	TSTT recommends that the Authority should avoid using draft documents as support when developing and amending other framework documents.	The Authority notes that the documents in question have been correctly referred to in the draft Regulations but shall review and update the website as may be relevant. TSTT is asked to note that

		<p>having passed its time of useful impact. According to the Authority’s website the documents listed below have not been ratified as policy given that they’re ‘before the minister and not yet passed’ (the Authority’s words). These are:</p> <ul style="list-style-type: none"> • Universal Service Regulations • Consumer Quality of Service Regulations • Network Quality of Service Policy <p>While it is prudent to read this consultative document in conjunction with relevant policies for the sector, it is unwise to deliberately confuse draft policy documents as actual ‘policy documents’ as the conditions in those documents are subject to amendments.</p>		<p>regulation is a holistic endeavour and whether draft or not, all documents must be cohesive in principle. Please note that the Universal Service Regulations are now law via Legal Notice No. 63 of 2015.</p>
Section 2. Rationale	CCTL	<p>Regulatory Tools to Safeguard Consumer Rights:</p> <p>In articulating the rationale for these regulations, TATT’s lists several consumer rights that these regulations are designed to safeguard. Included is access to telecommunications and broadcasting services. However this right is normally safeguarded via universal service regulations. Likewise, anti-competitive business practices is safeguarded primarily through appropriate pricing regulations (where the market is not effectively competitive) and competition where the market is effectively competitive.</p> <p>This misalignment of regulatory tools with expected market outcomes, may account for the elaborate, multi-faceted and costly approach to quality of service regulations.</p>	<p>TATT should correctly align regulatory tools with the expected market outcomes.</p>	<p>Noted. However, the Authority respectfully disagrees that there is a misalignment of regulatory tools. The current formulation is required for regulatory certainty.</p>

	<p>International Experience:</p> <p>A review of international experience in approaches to quality of service regulations provides useful insights.</p> <p>The Canadian Radio-Television and Telecommunications Commission (CRTC), in considering its decision to eliminate retail quality of service requirements, (except for three indicators, where it determined competitive forces alone were not sufficient to achieve the retail quality of service objectives) considered the following questions¹:</p> <ul style="list-style-type: none"> • <i>Is the regulatory measure efficient and proportionate to its purpose?</i> • <i>Does the regulatory measure interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives?</i> • <i>Is the regulatory measure as minimally intrusive and as minimally onerous as possible?</i> • <i>Is the regulatory measure, to the greatest extent possible, implemented in a symmetrical and competitively neutral manner?</i> <p>After careful evaluation of the above questions, CRTC determined that it would substantially eliminate retail quality of service requirements.</p> <p>In 2009 Ofcom, the UK regulatory agency discontinued the system aimed at providing comparable quality of service information to customers. The assessment was that the system introduced in 2005 was costly and did not provide significant benefits to consumers.</p>	<p>To ensure that the principle of proportionality is adhered to, we recommend that TATT conducts a careful study of the subject including evaluation of international best practices and cost implications, to inform the approach to quality of service regulations.</p>	<p>The Authority refers CCTL to its response to TSTT’s submission on self-regulation in its Decisions on Recommendations for the Consumer Rights and Obligations Policy (CROP). To quote “<i>while the market is sufficiently competitive, self-regulation has proven to be successful in a market where there is total competition. Until such time as the market becomes fully competitive, whereby ensuring that customers benefit from a high standard of quality of service, the Authority believes that regulatory measures should be put in place for operators to adhere to.</i>”</p>
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¹ <http://www.crtc.gc.ca/eng/archive/2008/dt2008-105.htm>

		<p>The Federal Communications Commission (FCC) does not impose quality of service standards on communications common carriers. The FCC monitors quality of service data submitted by local exchange carriers that are subject to price cap regulations. The FCC publishes annual reports on quality of service trends for fixed line operators.</p> <p>The experiences from these markets provide valuable insights and lessons to consider in determining a cost effective, proportionate and workable approach for this market. We encourage the Authority to apply similar analytical rigor in assessing market requirements.</p>		
Section 2.1 - Overview of the Regulations	CCTL	<p>TATT is proposing to use various approaches to implement quality of service (QoS) regulations. These are:</p> <ol style="list-style-type: none"> 1. Expanding the existing concession requirements of minimum service standards 2. Implementing a system of key performance indicators. This involves a framework of data collection monitoring and report publication, covering customer service and network indicators. Reporting by geographical boundaries, on a quarterly and annual basis, and annual publication of reports 3. Customer satisfaction surveys conducted by TATT 4. Development of a customer satisfaction index from survey results <p>We support the development and implementation of an appropriate framework of QoS regulations. However the approach must be proportionate to the requirements of a competitive market. An appropriate framework must take account of the new market realities, new technologies, new services, and be targeted to achieve</p>	<p>Revisit the multi-pronged approach to quality of service regulations. To ensure efficiency, we recommend that TATT should first assess the market requirements, and tailor a cost effective and proportionate approach. Consideration should be given to including self-regulatory approaches in the mix of tools to be used.</p>	<p>Please see the Authority's response to CCTL's comments above under heading Section 2 Rationale.</p>

		clear policy objectives.		
Section 2.1 - Overview of the Regulations	TSTT	<p><i>“Part II, Regulations 18 and 19 also provides for the development of a Customer Satisfaction Index...”</i></p> <p>The Authority listed in the Overview that Regulations 18 and 19 respectively to fall within part II of this document (see page 6). However, it was found the placement of Regulations 18 and 19 are included in Part III instead of Part II.</p>	The Authority must address this.	The Authority notes your comments and has made the necessary amendments to the document.
Part I Preliminary (Regulations 1-4)				
Interpretation	CCTL	<p>Calling Line Identification (CLI):</p> <p>The definition provided does not accord with the standard industry definition. The ITU’s definition is “a service where the telephone number of the caller is transmitted to the called party”. To conform to international standards, the standard ITU definition should be used.</p>	The standard industry definition should be used.	<p>The definition for Calling Line Identification is in keeping with the ITU terminology for “Calling Line Identity”² which states</p> <p><i>“Calling/connected line identity (CLI/COLI) is address information that is passed across the network to provide supplementary services such as calling (or connected) line identification presentation.”</i></p> <p>The Authority also notes that the definition in these Regulations is based upon section 6.1.2 of the Consumer Rights and Obligations</p>

² ITU-T, TELECOMMUNICATION STANDARDIZATION SECTOR OF ITU, The international public telecommunication numbering plan, Recommendation ITU-T E.164 Available online at : <https://www.itu.int/rec/T-REC-E.164-201011-l/en>

				Policy. In this regard, for clarity, the Authority shall amend this definition to include the following words: <i>“and includes the number of the party being called, the calling party’s number, the date and time of the call, the call’s duration and routing information.”</i>
Interpretation	TSTT	<p>In the body of the document, reference was made to the following and would therefore require some definition:</p> <ul style="list-style-type: none"> • Geographical boundaries • Performance data • Customer satisfaction index • Tiered Sanctions 	<p>Although these terms had been discussed in the framework consultation document, it will be prudent to write a full definition of the concepts expressed herein.</p>	<p>Noted. The definitions are as follows:</p> <p>“Geographical boundaries” will be defined to be as those pursuant to the Municipal Corporations Act Chap. 25.04.</p> <p>“Performance data” shall now be defined as “data to be submitted to the Authority on the authorised provider’s adherence to each Quality of Service of Standard required in Schedule 1.</p> <p>“Customer Satisfaction Index” will now be defined as “an index to be created by the Authority based upon surveys to be conducted by the Authority, the purpose of which is to capture various components of the customer experience into a single broad measurement from</p>

				<p>which qualitative inferences can be made as to quality of service from a customer perspective”.</p> <p>“Tiered sanctions” shall now be defined as “a system established in regulation 82 of tiered warnings and sanctions for breaches of these Regulations based upon the seriousness of the breach and the extent to which an authorised provider repetitively breaches these Regulations.”</p>
Part II The Consumer’s Right of Access (Regulations 5-8)				
Regulations 5 - 8 Consumer’s Right of Access	CCTL	These items appropriately belong to regulations defining universal access / universal service.	Exclude from these regulations	While the Authority notes the overlapping provisions in both Regulations, it is necessary that these Regulations elaborate on the first of its objectives, which is to ensure that consumers have the right to “access basic telecommunications services and broadcasting services”. However, the Authority shall delete regulation 5(2) in light of the fact that the Universal Service Regulations are now law.

Part III Quality of Service (Regulations 9-19)				
Schedule I	CCTL	<p>In terms of the metrics (a total of 16, 8 customer service and 8 network related metrics), the share number, plus requirements for geographical reporting underscores the points made earlier on the onerous nature of the proposed regulations. With respect to the targets (i.e. revised, and those related to new metrics), an assessment of current market realities should be done to gauge the need for the changes and how realistic the targets are.</p> <p>Any future adjustments to Schedule I should be consulted on, prior to making recommendation(s) to amendment specified quality standards.</p>	<p>Metrics to be included and relevant targets should be informed by an assessment of the market requirements to promote efficiency and improve competition.</p> <p>Amendments recommended by TATT should be based on industry consultation.</p>	<p>The Authority considers these indicators as relevant at this stage in the development of the Sector, in order to protect the interests of Consumers. The Metrics and associated targets have been informed by the indicators currently included in a Concessionaire's instrument of authorisation and complaints received over time as well.</p> <p>Public consultation on the Consumer Rights and Obligations Policy prior and on these regulations served as an opportunity for the Industry to comment.</p>
Regulation 9: Schedule I	TSTT	<p><i>"The Quality of Service standards shall include but may not be limited to those set out in Schedule I of these Regulations."</i></p> <p>TSTT is in general agreement with Quality of Service standards. However no consideration for <i>force majeure</i> is contained in these regulations and the impact on a customer's service. Further, such circumstances will impact negatively on the indicators outlined in schedule I.</p>	<p>TSTT recommends that unforeseeable instances beyond the control of an authorized provider be recognized in this Part of the regulations</p>	<p>Noted. The Authority is of the view that authorised providers can submit evidence to mitigate their breach or inability to adhere to these regulations which the Authority can consider on a case by</p>

		<p>We note also that the time frames for submission of such schedule I indicators are inconsistent “quarterly” or “biannual,” and, in some instances “monthly.” We note that too many submissions can be an onerous task for larger and smaller providers alike as significant resources will have to be used for each submission.</p> <p>Furthermore TSTT submits that we are already saddled providing market data request among others that take up significant resources to fulfil. As proposed in “Schedule I,” with so many different times to submit information throughout the year, we remind the Authority of a likely repercussion that may occur by placing additional burden on TSTT to submit.</p>	<p>The Authority should have one common time period for reporting. TSTT recommends that Quality of Service reports be submitted annually.</p>	<p>case basis.</p> <p>The Authority wishes to indicate that no reporting is to be done on a monthly basis but rather collection of data by the authorised provider. Given the need for constant monitoring for consumer benefit, the Authority is of the view that quarterly and annual reporting is critical. However, where bi-annual reporting is required, this will now be changed to quarterly and/or annual as applicable.</p>
<p>Regulation 10. Obligation of authorised providers to comply with Schedule I</p>	<p>TSTT</p>	<p><i>“Authorised providers shall comply with all Quality of Service standards set out in Schedule I.”</i></p> <p>To be consistent with the objective set out by the Authority to establish service standards to which all service providers must adhere, we submit that all authorised providers must be held to the same Quality of Service standards – inclusive of new entrants and smaller players. We note that should the Authority find it onerous on an individual provider then the Authority should revise these indicators set out in schedule I rather than allow flexibility to a particular provider to evade any perception of bias.</p>	<p>This statement should be revised as <i>“All authorised providers...”</i></p>	<p>The Authority agrees and the suggested amendment has been implemented into the document.</p>
	<p>TSTT</p>	<p>The Authority is once again being inconsistent with respect to indicator 1.3. TSTT identifies in the Consumer Rights and Obligation Policy Framework Document (pg 108, July 2014) that</p>	<p>TSTT recommends that the Authority be consistent in its wording. Therefore we</p>	<p>The Authority does not agree that it is being inconsistent as the heading on page 108 of the Consumer</p>

		indicator 1.3 was stated as Fault incidence per 1000 subscriptions. However in schedule 1 of the current regulations it is simply stated as “fault incidence.” Once more TSTT urges the Authority to be consistent in its wording, especially in documents that directly support or inform the other.	recommend that in schedule I, the correct wording should be “Fault Incidence Per 1000 subscriptions” and not simply “Fault Incidence”	Rights and Obligation Policy Framework Document states “Indicator 1.3 – Fault incidence”.
Regulation 11. Data Collection by authorized providers	Digicel	It is unclear what is meant by “process data” in this regulation.	The Authority is asked to clarify what it means by “process data”	Noted. For the avoidance of doubt, the Authority will rephrase this clause “process data”, to be replaced by “process relevant data” in clauses 11, 12 and the preamble. For further clarity, the relevant data to be processed is related to the input data required in the measurement methods of the indicators herein.
Regulation 12. Approval of Data Collection Systems.	CCTL	The proposal that the Authority should approve data collection system is yet another example of the elaborate nature of the proposal. There is also the presumption that operators will require new systems to support quality of service (QOS) monitoring and reporting requirements. This raises several concerns referred to above; i) proportionality of the measures, ii) the cost the market will bear. TATT is also over reaching to dictate system requirements of operators. We unreservedly disagree with the proposal for TATT to approve systems to be used by service providers to support quality of service data collection and reporting.	This requirement should be excluded.	The Authority disagrees. The requirement for this approval is to proactively ensure that the methods and systems used to collect relevant data are consistent with the measurement requirements of the indicators herein.

<p>Regulation 12. Approval of data collection systems</p>	<p>Digicel</p>	<p>The requirement imposes an administrative burden on operators for reasons that are unclear.</p>	<p>Regulations such as these which add to the ever increasing reporting workload of operators should only be allowed where there is clear justification for the information required. Operators are sufficiently motivated to ensure that they have effective data collection systems. There is no need for the Authority to micro manage this aspect of an operator’s business.</p> <p>The Authority is asked to kindly clarify why it believes this level of detail is necessary and justifiable in the circumstances.</p>	<p>The requirement for this approval is to proactively ensure that the methods and systems used to collect relevant data are consistent with the measurement requirements of the indicators herein.</p>
<p>Regulation 13. Submission of Performance Reports</p>	<p>CCTL</p>	<p>Requirement to submit reports on a quarterly plus annual basis would be burdensome. Any such requirement should be annual only.</p>	<p>We recommend that where required performance reports be submitted annually.</p>	<p>Please see the Authority’s response to TSTT’s comments above under heading Regulation 9 Schedule 1.</p>
<p>Regulation 13. Submission of Performance Reports</p>	<p>Digicel</p>	<p>Reporting of the standards as set out in Schedule I on a quarterly basis is too frequent and creates an additional burden on service providers in terms of time and resources.</p> <p>As the Authority will appreciate, service providers are already constrained on a quarterly basis to submit to the Authority</p>	<p>Digicel recommends the removal of “quarterly” reporting and the replacement of same with “semi-annual” reporting.</p>	<p>Please see the Authority’s response to TSTT’s comments above under heading Regulation 9 Schedule 1.</p>

		completed reports on market data as well as determination and to task service providers with another set of quarterly reporting can be quite time-consuming and a burden on their already limited resources.		
Regulation 13.(2)(iii) Additional reporting requirements	Digicel	This sub-regulation is too broad and should be removed. Operators should be provided with a legitimate reason from the Authority for their request to provide additional information. The Authority as a public body should not be in a position where it is able to exercise its powers arbitrarily.	This sub-regulation should be removed in its entirety	The Authority disagrees. The Authority shall ensure that it acts as appropriate and within the limits of its regulatory power at all times.
Regulation 14. Geographical Boundaries	CCTL	TATT proposes that performance reports be disaggregated in accordance with geographical boundaries established by the Municipal Corporation Act Chap. 25:04. Presently 14 areas (including 2 cities, 3 boroughs and 9 regions) are defined in the Act. Given the size of the market CCTL believes this level of disaggregation for monitoring and reporting for quality of service indicators will be too costly to implement, and the reporting requirements burdensome. We recommend that where necessary indicators should be defined and reported at the national level only.	We recommend that where necessary indicators should be defined and reported at the national level only. Reporting should be national only	The Authority disagrees. Reporting is required per geographical area to assess which areas are underserved and where a digital divide may exist.
Regulation 14. Geographical boundaries	TSTT	<i>“14. (1) Where so required, performance data shall be collected by authorised providers for submission to the Authority in accordance with geographical boundaries established by the Municipal Corporations Act Chap. 25:04.”</i> We are not clear on what data will be requested by the Authority to measure performance of authorized providers. In absence of a list of	TSTT recommends that the Authority provide further	The Authority informs that the performance to be measured is on

		<p>items that would be used by the Authority’s deliberations a likely risk to all providers will be ad hoc request by the Authority under the guise of performance request.</p> <p>TSTT notes with great interest the difference in demarcation in boundaries between an authorized provider and those set out in the Municipal Corporations Act can impact the findings. TSTT differentiates our boundaries based on an exchange area and not consistent in the manner proposed by the Authority. As a result, we envision a significant challenge to provide information in the format by municipal boundaries outlined in the Municipal Corporations Act. Further we submit that TSTT is a QuadPlay provider; thereby, utilizing different technological means to offer various services to our customers. For this reason we urge the Authority strongly that it will not be feasible to distinguish boundaries based on municipal frontiers.</p> <p>This may also hold true for other providers to whom may set its boundaries by exchange area or even radio frequency towers. For example, for the Borough of Chaguanas assume authorized provider (A) has a tower that serves another borough alongside North and East Chaguanas. Likewise, assume that another tower serves the remainder of Chaguanas. Assume at the point of the Authority’s assessment of Chaguanas, a tower was impacted, or only one tower provided information. We note that the reality may not match with the Authority’s findings, i.e. the findings may indicate that the authorized provider is under performing, but this may not be the</p>	<p>clarity.</p> <p>The Authority should indicate how it intends to treat with differences in demarcations of boundaries among providers and the Municipal Corporations Act. Not only do we recommend that the Authority indicate how it intends to treat with these differences in demarcations; but also TSTT recommends that the Authority be duty bound and commit to working along with providers in finding a common solution.</p>	<p>the standards set out in Schedule 1 as these are the Consumer Quality of Service Standards.</p> <p>The Authority is aware that TSTT has distinct Reporting Exchange Districts. However, as stated in the consultations for the Consumer Rights and Obligations Policy, it would be unrealistic for all authorised providers to adhere to one provider’s system. As such, the Authority will utilize the accepted demarcations of the Municipal Corporations Act, but will ensure that providers are afforded the opportunity to transition in a timely manner to this uniform system of demarcation. The Authority remains open for further discussion with the relevant providers.</p>
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		<p>case.</p> <p>Additionally, we envisage another issue arising of undue burden on that authorized provider to modify its data system/method of collecting data per exchange/tower etc to be consistent with the boundaries within the Municipal Corporations Act.</p>		
Regulation 16. Implementation of Standards	CCTL	<p>If TATT is to exercise discretion as to the timeframe for the implementation of standards by both existing and new providers, this introduces potential for the regime to impact providers differently. This has implications for competitive neutrality. We believe that if a reasonable mechanism and targets are put in place, there would be no need for TATT to exercise discretion as to the impact on individual players.</p> <p>The implementation approach should not require TATT to exercise discretion on the implementation time frame for different players.</p>	The implementation time-frame for different players should not be subject to TATT's discretion.	The Authority disagrees and refers CCTL to section A1 (pages 102-103) of the Consumer Rights and Obligations Policy, previously consulted upon.
Regulation 17. Publication of quality of service reports	Digicel	The Authority has not shared the format of the proposed report, so there is no way of knowing whether any potentially sensitive information can be inadvertently placed in the public domain by the Authority.	The template of the proposed report should be sent to operators for review and comment. When same is finalized, there should be no deviation from this template.	While the Authority has provided guidance in the Regulations for reporting, the Authority agrees to send operators the proposed report template for review and comment.. Finally, the Authority is cognizant of section 80 of the Telecommunications Act and Concession Conditions A29 and A30, and shall ensure confidential information is not publicly

				disseminated without the provider's consent.
Regulations 18-19. Customer Surveys & Customer Satisfaction Index	Digicel	The design of the survey as well as the methodology for the development of the Customer Satisfaction Index should be a collaborative process between the Authority and service providers.	Service providers should be given the opportunity to review and agree to the survey format and assessment areas. Operators should also be able to review any survey results before they are published and a formal procedure for challenging the results should be developed.	Digicel is referred to the response of the Authority to CCTL on section 3.3.2 in the Consumer Rights and Obligations Policy Decisions on Recommendations published earlier this year. The Authority disagrees as this can result in operators attempting to game the results of the surveys. Rather, should any query or challenge be seen as necessary, this can be made upon the publication of the survey results.
Regulation 18. Customer surveys	TSTT	<i>“The Authority may conduct surveys of customer satisfaction regarding the performance of authorised providers from time to time and shall publish the results of the surveys on its website.”</i> TSTT questions the reliability of an Authority led customer satisfaction survey especially in absence of the methodology that will be adopted alongside how the Authority intends to deliver the survey to customers for feedback. TSTT also cautions the Authority in publishing such information publicly on its website, or sharing with a 3 rd party, that may be sensitive to a particular provider without giving that authorized provider the opportunity to respond before circulation. We note that such findings have the potential to influence the public perception and risk adversely affecting one or	TSTT recommends that the Authority develop and consult with providers on a robust methodology. Within this consultation the Authority should give possible modes of delivery to sample. Additionally, providers information shall not shared	The Authority believes in transparency for the consumer to ensure that consumers can make well informed decisions. As such, the Authority cannot agree to a closed door approach with survey results.

		<p>more authorized provider(s) thereby contradicting to the Authority's role to establish a level playing field for all authorized providers.</p> <p>Further, TSTT, as part of our own prudent Marketing initiatives, already commission same, using independent 3rd party research, and therefore need no assistance in gauging customer perception from the Authority.</p>	<p>with any 3rd party without prior consent; alongside a commitment by the Authority that providers should be allowed to see results first before any publication on a website and given the opportunity to respond to the Authority's findings (if seen as unfavorable).</p>	
<p>Regulation 19. Customer Satisfaction Index</p>	<p>TSTT</p>	<p><i>"The Authority shall develop a Customer Satisfaction Index based on the results of customer satisfaction surveys in order to facilitate the qualitative assessment of customer satisfaction concerning the performance of authorised providers."</i></p> <p>While TSTT appreciates that the Authority amended its document to include both the qualitative and quantitative perspectives. We remain disappointed as the Authority avoided any discussion of the index and its application in reality.</p> <p>For instance, when satisfaction is measured on an index, it makes it very difficult to make the translation between the index and what that change means in the real world. For example, what exactly does it mean by an index of 0.5, or 0.6 of customer satisfaction in the real world? Analysis of this kind that is carried out to inform the index is often based on consumers' attitude, which usually reflects their past experience with the provider in question. The survey and the index report it generates take a snapshot of the customer feelings about events that have already occurred. Another limitation of this</p>	<p>TSTT recommend that further discussion is needed to convince providers to support this index.</p> <p>TSTT believe, should the Authority be adamant to include a CSI, then it will be necessary to engage the industry under a separate consultation process wherein which the methodology of such surveys is discussed.</p>	<p>The Authority disagrees. This issue has undergone five rounds of consultation in the Consumer Rights and Obligations Policy. These regulations are made pursuant to this policy position.</p> <p>The Authority refers TSTT to its response to TSTT in the Consumer Rights and Obligations Policy Decisions on Recommendations in section 3.3.2.</p>

		<p>is therefore not forward looking.</p> <p>In this respect, TSTT reiterates to question the practical efficacy of this measure. In the consultative rounds 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 are being borne ultimately by the consumer himself.</p> <p>We urge the Authority strongly, should it wish to include such an index that measures the utility of a customer; then, it would be feasible that the parties of interest have an opportunity to comment on the process and be awarded feedback from the TATT for greater transparency.</p>		
Part IV Consumer Rights (Regulations. 20-44)				
Regulation 20. Right to Information	CCTL	<p>The language is sometimes not supportive of a consultative approach to decision making. For example at clause 20 (4) (c), in addressing the customer's right to information, the list closes with the phrase "any other information the Authority may require". Such "catch all phrases" should be avoided.</p>	<p>The language should reinforce consultative approach in decision making.</p>	<p>The language utilized in Regulations focus on regulatory certainty and sound legal interpretation. It is critical when developing legislation that is based on a "laundry list" of items, that sufficient leeway to cater for items not included in the list can be captured. As such, the stated phrase shall remain.</p>
Regulation 20(1).	TSTT	<p><i>"20. (1) Authorised providers shall provide information to</i></p>	<p>TSTT recommends that the</p>	<p>The Regulations specifies the</p>

<p>Right to Information</p>		<p><i>consumers to assist them in making reasonably informed transactional decisions on the consumption of services or products from the authorised providers.”</i></p> <p>Our vision is: <i>“To become the standard bearer in Trinidad and Tobago for leading edge communications solutions and services that will enrich the lives of citizens, businesses and visitors.”</i></p> <p>From our vision statement we submit that part of our business is to provide robust product offerings while ensuring adequate information is disseminated to our customers to keep them informed and loyal to TSTT. To this end TSTT has always encouraged sharing reasonable information in the press, our web site, text and even information submitted to produce the TATT’s Annual Market Reports. As a result, TSTT is unclear as to what information the TATT proposes to be shared for customers to make informed choices.</p> <p>Furthermore, TSTT submits that the word “information” is used loosely. TSTT recommends that TATT replace “information” with “reasonable information”. Without mention some information will be sensitive and confidential to the business that should not be observed within the public domain by any consumer or competitor as it can be dangerous. The Authority should therefore reconstruct the writing.</p>	<p>Authority provides more clarity.</p> <p>TSTT recommends that the Authority should replace “information” with “reasonable information”.</p>	<p>information that authorised providers will be required to provide to consumers in sub-sections 20(2) and (4).</p> <p>The Authority disagrees. “Reasonable information” cannot be “reasonably” defined and will lead to regulatory ambiguity.</p>
<p>Regulation 20(4)(c). Right to Information</p>	<p>Digicel</p>	<p>This sub-regulation is too broad and should be removed. Operators should be provided with a legitimate reason from the Authority for their request to provide additional information. The Authority as a public body should not be in a position where it is able to exercise its powers arbitrarily.</p>	<p>This sub-regulation should be removed in its entirety.</p>	<p>The Authority has no intention of exercising its powers arbitrarily and in all instances acts within the confines of the Telecommunications Act and associated regulations and further, undertakes to provide operators</p>

				with the basis for any requests for additional information.
Regulation 20(5) - Right to information	TSTT	<p><i>“20 (5) Authorised providers shall provide transparent, up-to-date and accurate information free-of-charge to customers of telecommunications services, including customers roaming domestically or internationally, relating to the cost of services, emergency service contact information, and any other information as required by the Authority.”</i></p> <p>TSTT submits that this provision seems to effect the specific information sharing requirement outlined on page 31 of TATT’s Consumer Rights and Obligation Policy in relation to provision of information to roaming customers. TSTT however notes that the distinct obligations of “serving service providers” as opposed to “home service providers” as described in that section of the Framework is not emulated here in these Regulations.</p> <p>For ease of reference these obligations are defined as follows:</p> <p><i>“the “home” service provider of the customer should be responsible for informing its customers in a timely manner of at least the rates associated with the resale/ roaming services that would apply where the customer accesses its services via resale/ roaming.”</i></p> <p><i>“the serving service provider should be responsible for informing consumers, including roaming consumers, free of charge and in reasonable time of the contact numbers for emergency services in Trinidad and Tobago.”</i></p> <p>It is apparent from cursory review that these obligations are indeed significantly different and not adequately addressed in the drafting</p>	TSTT believes that this sub-regulation should be redrafted to ensure that, in the case of roaming subscribers, the differing obligations of the “home service provider” and the “serving service provider” are clearly delineated.	Noted and agreed. The Authority has amended the Regulations in order to address the differing obligations of the ‘home’ service provider and ‘serving’ service provider.

		<p>proposed in 20(5). Further, TSTT recommends that such requirements be clearly prescribed by the Authority in statute to minimise the risk of unintentional regulatory imbalance between similarly situated service providers.</p> <p>TSTT believes that the drafting language in these Regulations should explicitly reflect these differing obligations so that the potential for error in interpretation is minimised.</p>		
Regulation 21. Authority to publish information	CCTL	Regarding the publication of information (clause 21), the Authority should be cognizant of the potential impact of any information, in particular comparative information that it publishes.		Noted
Regulation 30. Priority Assistance Services	Digicel	<p>It is already a requirement for service providers to meet the Quality of Service standards set out in Schedule I hereof, which are quite stringent. To ask service providers to go beyond these standards for a particular sub-set of customers creates an additional burden on resources which would already be strained in situations of mass disruptions.</p> <p>In any event, how will these “priority customers” be identified by service providers and what exactly would be the eligibility criteria for such customers?</p>	<p>Digicel recommends that this regulation be removed in its entirety as these persons can be treated on a case by case basis.</p> <p>Should the regulation not be removed, the Authority is asked to clearly outline the eligibility criteria for such priority customers and indicate how service</p>	<p>The Authority disagrees. This issue has undergone five rounds of consultation in the Consumer Rights and Obligations Policy prior. The drafting in both the policy and these Regulations would imply a case by case basis seeing that the services are to be provided upon request.</p> <p>Regulation 30(1) provides the identifiers as the “diagnosis” which would have to be provided by a certified medical practitioner, and further by the need for a request to be made. In addition, the standard</p>

			providers are expected to identify them.	to be met is “best effort” and not an absolute compulsion.
<p>Regulation 31(1) Mobile Locking Handsets</p>	<p>Digicel</p>	<p>The unlocking of a customer’s mobile handset should not be an automatic requirement at the end of that customer’s contract and should also not be without charge.</p> <p>As the Authority will appreciate, service providers lock mobile handsets in order to prevent fraudulent behaviour by customers and in order to prevent the cannibalisation of the handset market in Trinidad and Tobago, which could in turn cause service providers to incur significant losses.</p> <p>As the mobile market in Trinidad and Tobago is extremely competitive, handsets are heavily subsidised and as such are available at far cheaper prices than in countries such as Venezuela and certain other Caribbean islands. If customers are 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.</p>	<p>Digicel therefore recommends that the phrase “upon request of the customer” be included between the words “shall” and “unlock” in the first line here.</p>	<p>The Authority notes your comments and has made the necessary amendments to the document.</p>
<p>Regulation 31(2) Mobile Locking Handsets</p>		<p>Based on our comments for Regulation 31(1), as a consequence thereof, the sheer volume of unlocking requests would be so high that service providers would be forced to dedicate significant resources towards dealing with same. Providing such resources at all locations where customers can terminate their contracts would not only be quite costly due to the excessive training involved but it would also be very time-consuming for service providers.</p>	<p>Digicel also recommends the removal of the words “without charge” in the second line thereof.</p>	<p>The Authority disagrees. At the end of the contract the handset belongs to the customer, who has fulfilled all obligations under the term of the contract.</p> <p>The Authority disagrees. The regulation speaks to the service being available where a contract</p>

		It should also be noted that unlocking of a mobile handset requires a specific code, which is not always readily accessible; therefore such a real-time transaction may not be possible.	We recommend that this sub-regulation be removed in its entirety. It is not feasible nor is it necessary that unlocking expertise be provided at all locations	can be terminated and this would of necessity exclude franchise outlets. A customer must have the right when terminating a contract to have the customer equipment or handset service ready at time of termination.
Regulation 35. Billing Cycles	CCTL	Customers should be provided with itemized bills free of charge, (clause 35(c), however where online option is provided and the customer requests that a paper copy is also provided, the service provider may levy a fee.	Where electronic details are provided and a customer request a paper copy, the service provider may levy a cost recovery fee.	It is a legitimate expectation on the part of a customer that when a service is provided, the charges for usage of that service will be accessible in a printed format. Exclusion of access in a printed format should only be via a specific “opt in” by the customer to be billed electronically and should not be the only way to access one’s billing without cost without such an express “opt in”. The bill available electronically must be printable by the customer.
Regulation 35(c) – Billing cycles	Digicel	Digicel has no issue with providing free itemized bills to customers in electronic form. However, if a customer is able to access his itemized bill online but opts to receive a printed itemized bill then the service provider should have the right to charge that customer a reasonable cost for printing and issuing the itemized bill.	This regulation should be amended so as to permit the Operator to recover the cost of providing the itemized bill.	Further to response above to regulation 35, the Authority again reiterates that the client must specifically “opt in” to be billed electronically, to the exclusion of a printed bill. The bill available electronically must be printable by the customer.

<p>Regulation 42. Misleading trading practices</p>	<p>Digicel</p>	<p>The Regulations attempt to define “misleading” ads but no proper process is set out for dealing effectively for instances of same</p>	<p>A process for dealing with misleading ads should be developed and shared with operators for review and comment</p>	<p>Regulation 82 addresses the tiered sanctions to be applied and regulation 83 provides for the general penalty to be applied. Further than that, it is settled law as to the determination of what is a “misleading ad” and such law will be applicable.</p>
<p>Part V Customer Contracts (Regulations 45-55)</p>				
<p>Regulation 45. Minimum Contractual information</p>	<p>TSTT</p>	<p>TSTT reiterates that the Authority has developed a non-exhaustive list of unfair contractual terms, as contained in Schedule II of this document". Contracts should adhere to standard business T &Cs.</p> <p>We acknowledge the Authority’s response within the DoR’s of the Consumer Rights and Obligation Policy Framework (page 25) that states: <i>“No responding party has demonstrated where the Annex does not comply with same.”</i></p>	<p>Contracts should adhere to standard business T&Cs.</p> <p>Apart from the consultation process TSTT would like to undertake this proceeding as a separate exercise to determine where the Annex does not comply.</p>	<p>The Authority agrees that standard business T&C’s apply, but is adamant that, in accordance with settled law, such T&C’s should not be unfair.</p> <p>The Authority is open for a further submission by TSTT in this regard.</p>
<p>Regulation 46. Accessibility to persons with disabilities</p>	<p>CCTL</p>	<p>The funding of assisted facilities for the disabled should be provided from the universal service fund. The Authority should clearly reflected this in these regulations</p>	<p>The regulations should clearly stipulate that assisted technologies for the disabled will be funded from universal service funds.</p>	<p>The Authority disagrees. Regulation 46(2) suffices.</p>

<p>Regulation 49(1). Review by the Authority</p>	<p>TSTT</p>	<p><i>“(1) Authorised providers shall submit their standard form contracts or any terms that are not individually negotiated or revisions of such contracts and terms to the Authority for its approval as to whether the contracts or terms are unfair to the customer.”</i></p> <p>As a general point, TSTT believes that the Authority knowingly interchanged the wording in the quotation expressed above to capture an advantage. Within the DoR’s of the Consumer Rights and Obligation Policy Framework (page 26) TSTT commented on section 5.1.6 Modifications to Contracts and we quote:</p> <p><i>“...Is the Authority proposing to extend its role to approval of all contractual amendments? As per the concession, the Authority's approval is reserved for instances of and only applicable to "material" changes.”</i></p> <p>It is even more interesting to note that the Authority agreed with our comment and indicated that the document has been adjusted accordingly. However, within these Regulations the general wording of “revisions” appear and not “material changes” that was agreed upon.</p> <p>Further, there is no clarity of the way forward if the Authority does not provide its response within the twenty-eight day period stipulated. The Authority should clarify whether the authorised provider could assume that any approval is deemed, and can thus proceed with its proposed T&C’s if the Authority does not respond within the twenty-eight day deadline</p>	<p>TSTT recommends that the Authority change from “revisions” to “material changes” throughout.</p> <p>TSTT believes that the authorised provider could assume that any approval is deemed, and can thus proceed with its proposed T&C’s if the Authority does not</p>	<p>The Authority inadvertently did not include the term “material changes” and strongly refutes TSTT’s contention that it intentionally interchanged the wording of the Regulations to capture an advantage.</p> <p>The Regulations have been amended to concur with TSTT’s recommendation.</p> <p>For the purpose of clarification, the Authority’s position is that in the event that the Authority does not respond to the concessionaire within the prescribed period, the forms shall be deemed to have been approved by the Authority on the day immediately following the</p>
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			respond within the twenty-eight day deadline	expiry of the prescribed period. The Regulations have been amended to reflect same.
Regulation 49(3). Review by the Authority	TSTT	<p><i>“(3) The Authority shall respond to the authorised provider’s submission of a contract or standard contract terms within twenty-eight days after receipt of the submission with either an approval or requirements for changes.</i></p> <p><i>“(4) The authorised provider shall respond within fourteen days by submitting the amended contract or standard contract terms to the Authority for its approval.”</i></p> <p>TSTT questions the timing for reviewing and responding to contract terms and conditions. TSTT firmly believes that this period in total is too lengthy especially in a competitive environment. We understand the need for careful review by the Authority in its deliberations. However, a balance must be struck within a competitive environment. Too long a period, handicaps an authorized provider(s) delivery of contracts resulting in a loss of potential customers, bringing about a competitive disadvantage.</p> <p>Further, TSTT recognizes that there’s a degree of uncertainty within 49 (3) through (5) that comes from section 23 (c) of the concession. We note that it is not clear how much time is allowed following the response by the Authorised provider, should there be any additional concerns.</p> <p>If there is a further concern after this stage outlined in sub regulation (4) to which the authorized provider highlights its additional concern(s) to the Authority, it is unclear to TSTT the timeline for which the Authority shall be obliged to respond again to the</p>	<p>The Authority should shorten the timeframes for reviewing and responding to authorized providers.</p> <p>Clarity is needed from the Authority as to the process after the authorized provider may have further comments and the timeframe proposed by the Authority. As drafted, these Regulations seem to presume that the Authority would ignore the further comments of the authorized</p>	<p>The timelines are maximum limits only and they can be shortened on a case by case basis.</p> <p>The Authority shall include a new subsection which addresses the resubmission, and shall apply a 28 day timeframe as in subregulation (3).</p>

		<p>authorized provider with respect to the supplemental concerns. Rather clause 49(5) simply refers to publishing without any appreciation for the authorized providers further comments.</p> <p>These Regulations seems to presume that the Authority would ignore the further comments of the authorized provider. This cannot be good practice.</p>	<p>provider. This cannot be good practice.</p>	
Regulation 49 (all)	TSTT	<p>Notwithstanding the above, TSTT is of the view that the Authority’s approach to seeking to approve the contracts of authorised providers, as outlined in Regulations 49 (1), (2) and (3), is <i>ultra vires</i> the provisions of the enabling Act.</p> <p>TSTT would like to remind the Authority that according to Section 29 of the Act, authorized providers are given broad discretion in the pricing of services where certain identified conditions do not appear in the marketplace. TSTT further reminds the Authority that the conditions under which the Authority may seek to regulate terms and/ or conditions of the contracts of the authorized provider is where that provider is the sole provider of telecommunications services, where there is evidence of abuse of dominance or where there is evidence unfair practice. Outside of these conditions, the Authority is not empowered by the Act to approve the Terms and Conditions of the contracts of supply of the authorized provider.</p> <p>TSTT however recognizes that procedurally, there is an advantage for the Authority having sight of the T&C’s of standard contracts to ensure that there is not the emergence of anti-competitive practices.</p> <p>TSTT also notes that the Authority proposes in Schedule II an inexhaustive list of the unacceptable terms and conditions which it deems reflects unfair conduct. TSTT believes that this Schedule</p>	<p>TSTT submits that the Authority only has grounds to contest contractual information that may be regarded as “unfair” with respect to the prices offered in the contract according to Sec. 29(2) of the Act. Beyond this, the Act suggests that the authorized provider need not be granted any approval with respect to its contracts.</p> <p>TSTT recommends that this Regulation 49 is redrafted to remove the word “approve” or any aspect of such intention and replace same with the term “non-objection” or words of similar intention or effect.</p>	<p>The Authority refutes TSTT’s assertion that the Authority is acting <i>ultra vires</i> the provisions of the Act in its requests for authorised providers to provide its contracts for approval.</p> <p>The Authority wishes to remind TSTT of Section 24(1)(e) of the Act which states as follows: <i>“... a concession for a public telecommunications network or a public telecommunications service shall require the concessionaire to adhere, where applicable, to conditions requiring the concessionaire to— ...file annually with the Authority forms of user agreements with users for the provision of public telecommunications services for approval by the Authority”</i></p> <p>The Authority also wishes to remind TSTT of its concession</p>

		<p>should act as a transparent test against which contracts will be reviewed for non-objection by the Authority. In this way, if there are no issues with the submitted T&C's, the authorized provider is free to proceed with their business.</p> <p>In that regard, TSTT recommends that this Regulation 49 is redrafted to remove the word “approve” or any aspect of such intention and replace same with the term “non-objection”</p>		<p>obligation as prescribed in C23: <i>“The concessionaire shall file with the Authority for approval, such approval not to be unreasonably withheld, annually and within fourteen days of any material change the forms of its agreements with users for the provision: of the Public Telecommunications Services.”</i></p>
<p>Regulation 51(d). Staff Training</p>	<p>Digicel</p>	<p>What exactly does the Authority mean by “general information”?</p> <p>Such training is an unreasonable requirement on service providers. Not only does it mean additional costs to a service provider as training its staff in this area means the need for additional resources but such training is quite time-consuming. It takes valuable time away from its salesperson’s focus, namely that service provider’s own products.</p>	<p>Please provide a detailed explanation as to what is meant by “general information”.</p> <p>It should be the customer’s responsibility to get information on service offerings of providers in order to make an informed decision. Information on competitor’s offerings is readily available on-line, at that provider’s service outlets, through that provider’s contact centers and also in the media, e.g. radio, television, newspaper advertisements.</p>	<p>The term ‘general information’ would refer to general information about the competitors services such as to allow the consumer to make an informed decision.</p> <p>The Authority wishes to remind Digicel that this requirement is prescribed in Regulation 51 and is in keeping with concession obligation C16 which states that: <i>“the concessionaire shall endeavour to inform its customers in general terms whether there are alternative competitive providers of that service in the market”.</i></p> <p>For the avoidance of doubt, regulation 51 shall read <i>“Authorised providers shall ensure their customer service representatives and sales persons</i></p>

			This service is not subsidized by the Authority and as such, an operator should not be made to meet unreasonable requests such as this one.	<i>can..”</i>
Regulation 55(5). Termination of service	Digicel	Digicel believes that 14 days is not a reasonable period within which to expect a service provider to pay a customer any remaining credit as there are a number of checks and balances that must be carried out by a service provider before they can assess any such remaining credit upon termination.	Digicel recommends replacing “fourteen days” with “thirty days” in this sub-regulation.	The Authority agrees and has made the necessary amendments to the Regulations.
Part VI Customer Charter and Related Matters (Regulations 56-63)				
Regulation 57. Contents of Customer Charter	CCTL	Much of the information listed for inclusion in the Customer Charter is already provided in the Standard Terms and Conditions of Service. Within the context of a competitive market landscape, we do not see the necessity to be so prescriptive in addressing these issues in regulations.	Exclude the section on customer charter from the regulations.	The Authority disagrees. It is critical that the Customer Charter include this information for the information of the customer.
Regulation 61(b) – CLI information	Digicel	With respect to incoming international calls, the Calling Line Identification information of the Calling Party is not always sent by the international carrier. As the Authority will appreciate this is a matter that is beyond the reasonable control of services providers	Digicel recommends that there be included after the words “Calling Number/ Name Display information” in	The Authority agrees and has made the necessary amendment to the Regulations.

		and as such this needs to be an exception to this obligation.	this sub-regulation the following: “and provided that the international carrier has sent the Calling Line Identification information to the service provider in respect of incoming international calls”.	
Regulation 63. Unsolicited Calls	Digicel	<p>Service providers are under an obligation of confidentiality to each and every one of their customers via contract; in compliance with this obligation as well as based on certain legislative requirements such as those contained in the Interception of Communications Act, Chapter 15:08, service providers are constrained to only release the identity of the source of an unsolicited call to the relevant authorities, once the request is made in the specified manner.</p> <p>Service providers are therefore not at liberty to release the identity of the source of an unsolicited call to the customer who has received that particular call.</p>	Digicel recommends the insertion of the phrase “once a request is made by the relevant authorities” between the words “unsolicited call” and “including prank calls” on line 2 thereof.	The Authority agrees and has made the necessary amendment to the Regulations.
Part VIII Complaint Redress (Regulations 71-77)				
Regulation 72. Toll free customer services	Digicel	<p>Digicel does not agree that a service provider should bear interconnection costs when its customer contacts its customer service centre. Digicel’s customers are provided with a toll free number from which they can reach our service centres; however, if a customer chooses to reach our service centres through the use of another service provider’s network, then as this was a choice made by the customer, the customer should bear at least the interconnection costs.</p> <p>Service providers who offer broadband and broadcasting services to</p>	Digicel therefore recommends replacing the word “including” in the second line of this sub-regulation with the word “excluding”.	The Authority disagrees with Digicel. The Authority wishes to promote Toll-free services that are free to the customers both on-net and off-net.

		their customers usually also offer fixed line services in a triple play package; should a customer of such a service choose to avail himself of another service provider's network in calling his triple play service provider, then that customer should be responsible for bearing at least the interconnection costs of the call.		
Regulation 73. Complaint Handling Process	CCTL	In general the language in this section is very wordy. Clause 73(2) (f) requiring service providers to designate a senior executive to have responsibility for complaints handling is another example of the overly prescriptive nature of the regulations.	Exclude Clause 73(2) (f).	The Authority agrees that the designation of a senior executive for this purpose is not necessary and has amended the Regulations to reflect same. Please also note that on a similar vein, sections 58(4) and 75 (c) have also been deleted in reference to the same designation of a senior executive.
Part IX Compliance with Quality of Service Standards (Regulations 78-83)				
	CCTL	We believe the compliance regime will not only be complex but administratively burdensome.	In defining these regulations due consideration should be given to complexity and practicality of the compliance measures.	Noted.
Regulation 81 – Consumer rebates	Digicel	This should not be a determination made solely by the Authority but should be made in collaboration with the service provider who has failed to meet the level of service required. There are a number of factors that can affect a service provider's quality of service which are beyond its reasonable control.	It is recommended that any determination as to compensatory payment to be made to customers that experience levels of service that fall below the Quality of	The Authority agrees.

			<p>Service standards should be a collaborative process between the Authority and that particular service provider.</p> <p>Additionally, Digicel requests that the Authority provide it with a detailed description of the mechanism that will be used with respect to this determination.</p>	
Regulation 82(3) and (4) – Tiered Sanctions	Digicel	Digicel does not agree that the determination of the applicable Tier for a particular breach should be influenced by any other breaches by that service provider that occurred within the 12 month period immediately preceding the breach in question or by that service provider’s compliance history. Each breach should be treated separately.	Digicel therefore recommends that these two sub-regulations be deleted in their entirety.	The Authority disagrees. A generally held position regarding ensuring compliance with a regulatory obligation is that persistent or repeated breaches should be factored into before making a decision on enforcement options.
Schedule I				
Indicator 1.1: Service Activation Time	Digicel	With respect to Mobile Telecommunications, in the case of corporate customers, the timeframes set out under the “Immediate” heading may be possible if an existing individual account is being transferred to corporate. However, with respect to activating a new corporate customer, these timeframes would not be possible due to the relevant checks to be made (e.g. credit checks, verification of corporate registration documents, etc.). Additionally, there can be delays to the timeframe depending on the number of new	Digicel would therefore recommend that with respect to corporate customers in mobile telecommunications, the service activation time be adjusted as follows: 90% in 36 working hours	The Authority disagrees that there should be any differentiation of service activation for business and residential customers.

		<p>subscribers to be added to the corporate account.</p> <p>With respect to Fixed Telecommunications, in the case of corporate customers, approvals for equipment installation on premises take longer than expected due to customer’s internal approval processes. Additionally, approvals from utility providers (e.g. WASA, TTEC) to run lines may cause further delays.</p>	<p>99% in 48 working hours 100% in 92 working hours</p> <p>Digicel would therefore recommend that with respect to corporate customers in fixed telecommunications, the service activation time under the “immediate” heading be adjusted as follows:</p> <p>75% in < 5 working days 95% in < 12 working days 100% in < 16 working days</p>	
Indicator 2.2: Network Grade of Service	Digicel	<p>A service provider’s access network is subject to factors beyond the service provider’s reasonable control; outages due to such external factors should not be included when reporting on this indicator.</p>	<p>Digicel would recommend the removal of all factors that are beyond a service provider’s reasonable control from this indicator as these would negatively impact any report on this indicator.</p> <p>We would further recommend that the standards be adjusted as follows:</p> <ul style="list-style-type: none"> • fixed telecommunications $\geq 99.9\%$ • mobile telecommunications \geq 	<p>Noted. The Authority is of the view that authorised providers can submit evidence to mitigate their breach or inability to adhere to these regulations which the Authority can consider on a case by case basis.</p> <p>Given that such events are excluded from consideration, the Authority is of the view that the prescribed thresholds are a realistic objective.</p>

			99%	
Indicator 2.3: Speech Transmission Quality		<p>It is noted that, in accordance with the standards, the Mean Opinion Score (“MOS”) factor can vary on Enhanced Full Rate and Half Rate calls. Further, the measurement of the MOS factor is dependent on environmental conditions as well as the speech pattern and equipment used.</p> <p>The Authority should note that not all service providers have the necessary equipment to perform the tests required for this indicator.</p> <p>Further, Digicel believes that the Authority should mandate standard equipment to be used by each type of service providers (i.e. mobile telecommunications and fixed telecommunications) for measuring the Mean Opinion Score (“MOS”) factor to ensure consistency in reporting.</p>	<p>The Authority is asked to clarify the MOS factor for Enhanced Full Rate and Half Rate calls.</p> <p>Digicel recommends that the Authority mandate that standard equipment be used by each type of service providers (i.e. mobile telecommunications and fixed telecommunications) for measuring the MOS factor.</p>	<p>The Authority is aware that the MOS factor can vary dependent on environmental conditions as well as other factors, however it should be noted that call quality can be assessed by both objective and subjective methods.</p>
Indicator 2.4: Dropped Call Rate and Indicator 2.5: Call Setup Success Rate		<p>With respect to mobile telecommunications, to compel a service providers to conduct mobile field tests is not only a burden on already scarce resources but these tests can be quite time consuming.</p> <p>Additionally, if the “busy hour” period for a service provider is late at night, the service provider would be expected to have their personnel who are to conduct these mobile field tests accompanied by security; this would be an additional cost burden on the service provider.</p>	<p>Digicel recommends that the statistics received by service providers directly from their cell sites should be used instead of the service provider having to conduct mobile field tests.</p>	<p>The Authority notes concerns over resources for conducting field tests and is in full support of Digicel’s commitment to the safety of their personnel while conducting field tests.</p>
Indicator 2.8: Message Sending Delay Time		<p>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</p>	<p>The standard proposed with respect to SMS and MMS should not apply to instances</p>	<p>The methodology outlined in the Consumer Rights and Obligations Policy states:</p>

		<p>off, the handset inbox is full, the consumer is out of the service area, if the recipient of an MMS has insufficient credit to download the MMS or if the recipient of an MMS has no data connection.</p> <p>Reference is made to the Authority’s response to Digicel’s comment on this indicator in the last version of the Consumer Rights and Obligations Policy that was consulted on, wherein the Authority stated “...However in instances where audits are conducted by the Authority, such factors will not arise.”</p> <p>Digicel would like the Authority to advise on exactly how this “audit” will be conducted.</p> <p>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.</p> <p>Additionally, the Authority is asked to note that a service provider has no control over the delivery of SMS:</p> <ol style="list-style-type: none"> (1) to customers of other networks; or (2) where its customers are roaming. 	<p>where the sending time is delayed because of factors caused by the customer.</p> <p>The Authority is asked to explain in detail how its “audit” will be conducted.</p>	<p><i>“Data shall be garnered from 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.”</i></p> <p>Given that these are staged tests conducted by the Authority, conditions will be simulated such that consumer-related factors e.g. handset switched off or inbox full etc. will be eliminated.</p>
		CONCLUSION		
Conclusion	CCTL	CCTL is committed to providing quality service to its customers, and supports the development and implementation of a proportionate quality of service regime.		The Authority wishes to thank CCTL for its comments provided in this consultation process.

		These draft regulations are about fifty pages long. The language is sometimes unnecessarily wordy. We trust the comments provided above will assist the Authority in reconsidering the issues as well as improving this draft.		
	TSTT	TSTT expressly states that failure to address any particular issue does not necessarily signify its agreement in whole or in part with the Authority's position. TSTT reserves the right to comment on these matters at a later date.		Noted