THE TELECOMMUNICATIONS (MOBILE CONSUMER SAFEGUARDS) GUIDELINES

Guideline 3 – Customer notification for national usage

General observations

- It is our view that the focus of this guideline should be the rates that apply when using a mobile service '*in-bundle*' and '*out of bundle'*, and not necessarily whether a retail customer uses a mobile service in bundle or out of bundle.
- Consideration could be given to including guidelines to say that a licensee must not permit '*out of bundle*' data usage until a retail customer purchase a new data bundle or opt '*in*' or '*out*' of bundle usage.

Paragraph (a)

- delete the phrase '*with a licensee*'.
- This sub-paragraph requires a licensee to notify a retail customer whether the use of a mobile service is '*in or out of a bundle*'. However, it fails to specify the time at which notice should be given to the retail customer. We are of the view the notice should be given at the point of sale or prior to contracting for the service.
- change '*within a bundle*' to '*in bundle*'.
- change '*is using*' to '*uses*'.

Paragraph (b)

- This sub-paragraph refers to the rate of service being provided to retail customers who use a mobile service '*out-of-bundle*'. Should this requirement also apply to '*in-bundle*' retail customers?
- delete the phrase '*with a licensee*'.
- change '*is using*' to '*uses*'.

Paragraph (c)

- This sub-paragraph fails to state the means by which the licensee should notify the retail customer (e.g. SMS). We suggest the following redraft-

  '*A licensee shall send usage notification alerts via SMS or any other applicable means to a retail customer who uses in bundle mobile services, if the retail customer usage reaches 80% and 100% respectively of his or her usage threshold*'.
- delete the phrase '*with a licensee*'.

Paragraph (d)

- We suggest the following redraft-

  'A licensee shall notify a retail customer by SMS or any other applicable means of the options and applicable rates that are available to him or her under paragraph (e), if the retail customer uses 100% of his or her in bundle usage threshold'.

Paragraph (e)

- We suggest the following redraft of the chapeau-

  'The options referred to at paragraph (d) are'

- Sub-paragraph (vi) does not read correctly with the chapeau.

Paragraph (f)

- We suggest the following redraft-

  'If a retail customer fails to select an option under paragraph (e), the licensee shall notify the retail customer by SMS or any other applicable means that he or she will no longer have access to the mobile service.'

Guideline 4 - Customer Notification for Roaming Usage

General observation

- For consistency paragraphing (a), (b) (c) etc. should be adopted.
- Similar to the observation raised under guideline 3, this guideline does not indicate how retail customers should be notified.
- Similar to the observation made above, it may be useful to revise this guideline so that it refers to the applicable '*in bundle*' and '*out of bundle*' data roaming <u>rates</u> and not necessarily whether the retail customer is using a mobile service within or out of a roaming bundle.

Sub-paragraph (i)

- The phrases '*roaming mobile service'* and '*mobile roaming service*' are used in paragraph (i) and (ii). One phrase should be preferred.

Sub-paragraph (iii)

- We suggest the following redraft-

'*A licensee shall send usage notification alerts via SMS or any other applicable means to a retail customer, if the retail customer usage reaches 80% and 100% respectively of his or her usage threshold within a roaming mobile service*'.

Sub-paragraph (iv)

- We suggest the following redraft-

  'A *licensee shall notify a retail customer by SMS or any other applicable means of the options and applicable rates that are available to him or her under sub-paragraph (v), if the retail customer uses 100% of his or her roaming bundle usage threshold*'.

Sub-paragraph (v)

- We suggest the following redraft of the chapeau -

  '*The options referred to under paragraph (iv) are*'.

Sub-paragraph (vi)

- We suggest the following redraft-

  '*A licensee shall notify a retail customer by SMS or any other applicable means that the retail customer will no longer have access to a mobile service, if the retail customer fails to select an option under paragraph (v)*'.

PROPOSED CHANGES TO REGULATION 17(C) OF THE DRAFT ELECTRONIC COMMUNICATIONS (CONSUMER PROTECTION) REGULATIONS (SPECIFIC RULES ON CONSUMER PROTECTION IN THE ELECTRONIC COMMUNICATIONS SECTOR

Clause 20 – Expiration of prepaid subscription

- We suggest the following redraft of heading –
  '*Expiry of prepaid subscription*'.

- We suggest the redraft of sub-regulations (1) and (2)-

  (1) Subject to sub-regulation (2), a licensee shall not activate a prepaid subscription for an electronic communication service which expires less than 3 months from the date it is first activated.

  (2) A prepaid subscription may expire within 3 months from the date on which the electronic communication service is first

activated, if a retail customer purchases the prepaid subscription during a promotion offered by the licensee'.

Sub-regulation 3(a) and (b) combined into one paragraph

- We suggest the following redraft-

  '*A licensee shall notify a retail customer by email, text message or other applicable means, at least 5 days before a prepaid subscription expires of the options that are available to the retail customer upon the expiry of the service and the consequences of failing to choose an option*'.

Sub-regulation (4)

- In the chapeau change (3)(b) to (3) and change '*may include the option*' to '*are*'
- In paragraph (b) delete the phrase '*to make a subscription ineligible for termination*'.
- In paragraph (c) insert '*from the licensee*' after the word '*refund*' and insert '*any*' after the word '*of*'.

- We suggest the following redraft of paragraph (d)-

  '*Request that the licensee transfer any unused voice minutes, text messages, or data allowance to another prepaid subscription on the licensee's network*'.

- Paragraph (e) does not read correctly with the chapeau.

Sub-regulation (5)

- Change '*its*' to '*his or her*'.
- Change '*does not*' to '*fails to*'.

Sub-regulation (6)

- We suggest the following redraft-

  '*A retail customer may request that a licensee reactivates a terminated prepaid subscription within 15 days of its termination, and that the retail customer be re-issued with the number that was assigned to the prepaid subscription before the service was terminated*'.

- We suggest the following redraft of sub-regulation (7)

'A retail customer must purchase credit before the licensee reactivates his or her prepaid subscription'.

Clause 21 - Criteria for termination of prepaid subscription

- We suggest the following redraft of heading -
  'Prohibition on terminating prepaid subscription'

- We suggest the following redraft of regulation 21

  'A licensee shall not terminate a prepaid subscription if a retail customer-

  (a) has at least $10.00 balance on his or her account;

  (b) has at least 10% of the voice minutes, text messages or data allowance remaining on his or her account; or

  (c) has in the preceding 3 months –

  (i) made or received a call;

  (ii) sent or received a text message; or

  (iii) used data.'

Clause 22 Termination of prepaid subscription with outstanding credit balance

- We suggest the following redraft of regulation 22 heading-
  'Terminating a prepaid subscription with an outstanding credit balance'.

- Sub-regulation (1) is ambiguous. Kindly clarify whether the phrase '*within 30 days of the termination*' refers to a retail customer making a request within that period or the licensee taking certain actions within the stated period.
- We suggest the following redraft of sub-regulation (2)-

  'A *licensee shall deposit any outstanding credit balance to the account of the Accountant-General, if the licensee terminates a prepaid subscription of a retail customer, and the retail customer fails to make a request under sub-regulation (1), within 3 months of the termination.'*

- We suggest the following redraft of sub-regulation (3)
  '*Any outstanding credit balance submitted to the Account-General under sub-regulation (2) is subject to a 20% administrative fee*'.

Regulation 23 – Termination of prepaid subscription with unused voice minutes, text messages, data or other value

- In the heading change '*termination of*' to '*terminating*'
- Sub-regulation (1) is ambiguous. Kindly clarify whether the phrase '*within 90 days of the termination*' refers to a retail customer making a request within that period or the licensee taking certain actions within the stated period.

- We suggest the following redraft of regulation 23(2)-

  '*A licensee shall forfeit to the account of the Accountant-General, any unused voice minutes, text messages or data allowance of a retail customer, if the licensee terminates a prepaid subscription and the retail customer fails to make a request under sub-regulation (1) within 90 days of the termination.*'