

UPGRADE ST. LUCIA

The logo for LIME, consisting of the word "LIME" in white capital letters on a black rectangular background. Above the letters, there is a thin horizontal bar with segments of orange, yellow, green, and blue.

24th July, 2015

Mrs. Shana Willie-Matoorah
Director/Secretary
National Telecommunications Regulatory Commission
2nd Floor, Rajana Group of Companies Building
PO Box GM 690
Bois D'Orange
Gros Islet

Dear Mrs. Matoorah,

Re: Response to Consultation of Terms of Reference on the Quality of Service Regulations

Cable & Wireless (St. Lucia) Limited, trading as LIME ("LIME") submits herewith our initial response to the Consultation of Terms of Reference on the Quality of Service Regulations.

Please direct any comments, queries or responses to: Ms. Geraldine Pitt at Geraldine.Pitt@lime.com or Mr. Frans Vandendries at frans.vandendries@lime.com.

Yours faithfully

A handwritten signature in black ink, appearing to be "Geraldine Pitt", written over a horizontal line.

Geraldine Pitt
General Manager

Att.

Cable & Wireless (St Lucia) Limited
Registration Number: 1989/C160

Registration Office:

P.O. Box 111
Corinth
Gros Islet
St. Lucia

P: +1 758 453 9201/ 2
F: +1 758 453 9700

lime.com



LIME's Response to

**The Limited Consultation Document titled
“Recommendation of the Eastern Caribbean
Telecommunications Authority (ECTEL) to the National
Telecommunications Regulatory Commissions to
consult on Terms of Reference on the Quality of Service
Regulations”**

24th July 2015

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1. Introduction

- 1.1. CWI Caribbean Limited ("LIME") welcomes the opportunity to respond to ECTEL's Consultation Document on **Recommendation of the Eastern Caribbean Telecommunications Authority (ECTEL) to the National Telecommunications Regulatory Commissions to consult on Terms of Reference on the Quality of Service Regulations** Document No. 1/2015 published June 2015 (the Consultation Document).
- 1.2. This response is made on behalf of Cable & Wireless (St. Lucia) Limited to the National Telecommunications Regulatory Commission of St. Lucia; Cable & Wireless St. Kitts and Nevis Limited to the National Telecommunications Regulatory Commission of St. Kitts and Nevis; Cable & Wireless Grenada Limited to the National Telecommunications Regulatory Commission of Grenada; and Cable & Wireless Dominica Limited to the National Telecommunications Regulatory Commission of Dominica.
- 1.3. LIME expressly states that failure to address any issue raised in this Consultation Document does not necessarily signify its agreement in whole or in part with any position taken on the matter by the NTRC or respondents. LIME reserves the right to comment on any issue raised in the Consultation Document at a later date. The responses contained herein are preliminary and subject to change.
- 1.4. All responses to this document should be sent to Ms. Geraldine Pitt at LIME Corinth on telephone number 758 453 9200 and email address Geraldine.pitt@lime.com and copied to Frans Vandendries at frans.vandendries@lime.com.

2. Legal Context

- 2.1 In each of Dominica, St. Kitts & Nevis, St. Lucia and St. Vincent and the Grenadines, section 74 of the *Telecommunications Act* (“**the Act**”) and, in the case of Grenada, section 73, invests the Minister with the authority to make regulations to give effect to the Act. Regulations that the Minister is authorized to make includes Quality of Service Regulations at section 74(q) and section 73(q) respectively. The *Telecommunications (Quality of service) Regulations* (“**the Regulations**”) state at section 8 that the Commission may make recommendations to the Minister to amend the service criteria and parameters in the schedule, however it is the Minister who is authorized to amend the schedules by order published in the Gazette.
- 2.2 Notwithstanding the intention of the Electronic Communications Bill to invest the Commission with the authority to impose and amend quality of service standards, this authority is not a reality and is without effect until the Electronic Communications Bill is passed into law. LIME is mindful that until then, the authority to amend the service quality criteria and parameters abides with the Minister. Accordingly, coming out of this consultation, the Commissions must, in accordance with the Regulations, make a recommendation to the Minister of the proposed and agreed changes to the service parameters and criteria.
- 2.3 In addition, until such time as the Electronic Communications Bill is enacted, any revised Regulations must fall within the scope of the current Acts, as the Minister cannot exceed his jurisdiction under those Acts. This means that ECTEL must review the proposed standards and excise any which are ultra vires the Acts, and issue a new public consultation prior to them being incorporated into the Regulations.
- 2.4 Finally, there are no guarantees that the Electronic Communications Bill will be enacted as presently drafted, as the review and enactment of legislation is the exclusive prerogative of the national legislatures of each country. Because of the foregoing, LIME submits that this consultation on quality of service standards is premature and not the best use of the limited resources of ECTEL, the NTRCs or the interested parties responding to the consultation document.

3. C&W's Responses to ECTEL's Questions

- I. **Do you think the NTRCs are best placed to update the Quality of Service Regulations?**
- II. **If not please explain why.**

C&W's Answer: The entity best placed to update the Quality of Service regulations is that entity which is (i) legally empowered to update the Quality of Service Regulations and (ii) has the ability to establish uniform standards across all the ECTEL countries.

While the NTRCs may be best positioned to observe and respond to local environmental peculiarities, updating standards at this level may result in a plethora of varying standards that could lead to a level of uncertainty and confusion among providers and in the region as a whole.

- III. **Do you provide customers with information about the QoS?**

C&W's Answer: Other than such information as is required by law LIME does not provide information about QoS to customers. LIME believes that a public and impartial entity such as the NTRC is best placed to provide this information to the general public

- IV. **Will you be able to meet these proposed QoS Standards? If not, please explain why?**

C&W's Answer:

- i. **Public Fixed Voice Telecommunications**

It is highly probable that LIME will meet the proposed service standards for fixed voice service with the possible exception of fault rate per access line.

- ii. **Public Mobile Telecommunications**

It is highly probable that C&W will be able to meet the proposed service standards for mobile services]. With the ease of contacting mobile customer directly and cost-effectively by means of SMS, LIME disagrees with the Commission's proposal that notice of rate changes should be published in newspapers.

- iii. **SMS Service**

It is highly probable that C&W will be able to achieve the proposed service standards for SMS.

- iv. **Fixed Broadband Service**

It is highly probable that C&W will meet the proposed service standards for the provision of Fixed Broadband Service with the possible exception of fault rate per access line and packet loss.

v. Wireless Broadband Service

LIME understands Wireless Broadband service to be the provision of broadband service using wireless technology. LIME does not currently offer this service. Even so LIME maintains that the Commission should take a technology neutral position, where the focus is on the service provided rather than the underlying technology used to provide the service.

vi. Domestic and International Leased Line Service

It is highly probable that C&W will meet the proposed standards for domestic and international leased lines.

vii. Subscriber Television Service

It is highly probable that C&W will meet the proposed standards for Subscriber Television Service. Notwithstanding some of the proposed standards are still under review, mainly - 'Operating margin', 'No Signal' complaints, maximum and minimum carrier levels and MER (DVB-C). [

viii. Billing Parameters

The proposed standards for billing parameters are still under review. LIME will get back to the Commission on these.

ix. Customer Helpline; Customer Complaints / Satisfaction

LIME's Contact Centre is typically our customers' first point of contact for enquiries and complaints. We are currently reviewing the operations of our Contact Centre which may result in some changes. On completion of the review we would be pleased to share our metrics with the Commission. Until then LIME is unable to comment on 'Customer Helpline' and 'Customer Complaints/Satisfaction' except to say that LIME disagrees with the Commission's proposed service standards for 'response time' and 'Overall Customer Satisfaction' because these are not reasonable when compared to the performance of other companies. This is also the case of the proposed target level of 100% for Customer Care Accessibility.

LIME understands the Commission's intent to have continuously improving service standards and as a company that provides service in a competitive environment, LIME too wants to provide increasingly better quality of service. In some instances, however, like with fault repair, it is very difficult to get to a statistical 100% fault repair in 72 hours for any service.. Except for fault repair

and the issues mentioned previously, it is highly probable that LIME will be able to meet the proposed revised service standards.

V. Would you like to make any suggestion towards improving the QoS being offered to customers and how they may be improved?

C&W's Answer: C&W operates in a competitive environment where QoS is a differentiator. Accordingly this is an area in which the Company is always seeking to improve in order to delight its customers. Better technologies allow for better systems and processes as well as better QoS. LIME keeps these issues under constant review.

Because of the importance of quality as a competitive differentiator, the imposition of increased, let alone any, regulation is unnecessary. The Commissions should rely on market forces to the greatest extent possible, and to seek to regulate only when necessary, i.e. when there is objective evidence that regulation is required, and only to the least extent possible. Unfortunately, ECTEL has provided no evidence that there is a problem with the quality of telecommunications services provided in the ECTEL member states, or that regulation is necessary in this instance.

VI. Do you take issue with any of the QoS matters addressed above? If yes, please state why?

C&W's Answer:

- i. Achieving statistical 100% fault repair in 72 hours for any service is difficult. As also stated above, proposing that newspapers be used to inform mobile customers of rate changes is sub-optimal when direct and economical means like SMS are far more effective in reaching customers.
- ii. The Commission defines Net Neutrality as that state where 'All traffic on the internet should be treated equally and that internet service providers should not degrade or give preferential treatment to certain services'. While C&W acknowledges and supports the principle of Net Neutrality it does not seem that the QoS standards is the appropriate context within which to address this matter.
- iii. With regards to Customer Helpline, the Commission has proposed standards for 'Response Time to the Customer for Assistance' (voice to voice). However it is well known that automated systems do provide, in some cases, sufficient information to satisfy a customer's query without the customer needing to speak to a customer care agent. It is standard for C&W that automated systems are the first means of response in helping a customer to resolve a problem or respond to a query. The proposed standard does not seem to take this into consideration and so is unacceptable to C&W.6.4 C&W recommends that where the Commission has proposed service standards for completely new categories of service, as in the case of Wireless Broadband Service; Customer Help Line and Customer Complaints/ Satisfaction, that the Commission allows a trial period of at least two (2) quarters so that the Company can assess its performance against the proposed standard. At the

end of the period the Company would report to the Commission on the extent of the attainability of the standards.

- iv. Finally C&W disagrees that a breach of the service standards is a breach of its Licence and the current Regulations do not support this position of the Commission. C&W presumes that all other aspects of the Regulations remain the same with the exception of the service categories, parameters and the revised standards proposed by the Commission for recommendation to the Minister. If this is not so, C&W requests that the Commission clarifies the same.

4. Conclusion

C&W thanks the Commission for providing C&W with an opportunity to participate in this consultation. We look forward to continue working with the Commission in the best interest of our customers.

END