

EASTERN CARIBBEAN TELECOMMUNICATIONS AUTHORITY (ECTEL)

CONSULTATION DOCUMENT

TELECOMMUNICATIONS (Quality of Service) REGULATIONS

1. Introduction

Consistent with its mandate under the ECTEL Treaty and pursuant to a decision taken on the 8th of February 2007 by the Board of Directors of ECTEL, ECTEL is resubmitting the draft revised Telecommunications (Quality of Service) Regulations, for comment.

It will be recalled that there was consultation on the initial draft of these Regulations that commenced on the 30th November 2005 and closed on the 28th February 2006. There was a further period of consultation that commenced on 14th August 2006 and closed on the 13th September 2006. A number of comments were received from various stakeholders as a result of the latter period of consultation, which were given careful consideration.

Consequent to the comments received and observations made, ECTEL made significant revisions to the proposed Regulations. These revisions are outlined below.

In regulation 2 which is the Interpretation provision, the following changes were made:

The definitions for “loss of service” and “quality of service” were modified to provide greater clarity.

“Loss of Service” means the interruption of the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals that the consumer has engaged the services of telecommunications provider to ensure that transmission, conveyance or routing occurs but does not include interruption of service from a drop in signal level for a period not exceeding thirty (30) seconds. The definition was modified to exclude the loss of transmission as a result of an individual traveling through an area where the operator does not provide service.

The definition for “quality of service” was modified by deleting the reference to “telephone” and replacing it with “telecommunications” to reflect the scope of the Regulations, which is applicable to the provision of fixed, mobile and internet telecommunications services.

The phrase “Planned disruption” was deleted to read “planned disruption of service” as the former phrase was not used in the Regulations.

The phrase “Reported Fault Repair Time” was deleted to read “Reported fault cleared” as the former phrase was not used in the Regulations.

The phrase “ Unreported Fault Repair Time” was deleted to read “ Unreported Fault cleared” as the former phrase was not used in the Regulations.

The definitions for “response time for operator services” and “response time for directory enquiries services” were deleted and replaced by the definition for “ customer care service answered and attended”. This modification was made to ensure that the definition was consistent with the terms that are used in the body of the Regulation.

A definition for “standard installation” was included in the Regulations.

In Regulation 3 the term “Internet Access Service” was modified to read “Internet Service”.

Further, it was determined that Regulation 4(1) be deleted and 4 (2) be modified since it was agreed that the parameters for quality of service are being prescribed by the Minister under the proposed Regulations and would be established once the Regulations are approved by Cabinet and promulgated thereafter.

Regulation 8 was expanded to include quality of service obligations for ISVR operators since it was agreed that there would be a lacunae in the law if there were no provisions under the proposed Regulation for that category of service providers.

A new Regulation 9 was included in the Regulations to provide for exceptions to the standard installation times. Three exceptions are listed under this Regulation and will not be covered by the operation of the Regulations. Therefore the time frames prescribed for standard installations would not apply to the listed exceptions and would therefore be covered by the contractual arrangements between the service provider and the person requesting service where a contractual arrangement exists.

A new Regulation 11 was included in the Regulations to provide for record keeping by service providers. Records must be kept for at least 18 months.

The new Regulation 12 was expanded to ensure that service providers are not held liable for incidents that occur outside of their control such as environmental and operational conditions that could not have reasonably been foreseen and for faults generated by other service providers.

A new Regulation 15 was included to provide for advance notice to be given by way of the electronic or print media before the planned interruption of service.

The new Regulation 16 was modified to include enforcement provisions. It refers to enforcement provisions under the parent Act for non- compliance and also includes additional methods of enforcement for non-compliance. These were included to ensure that the Commission can remedy any incidents of non-compliance.

Having regard to the far reaching consequences of these regulations and the interest created by the consultation process, ECTEL is of the view that the revised Telecommunications (Quality of Service) Regulations should be subject to further public comment for a period of 21 days.

Consultation Procedure

In order to carry out this consultation, ECTEL hereby requests the Commission to conduct a national consultation on the proposed draft revised Telecommunications (Quality of Service) Regulations in accordance with the 'Consultation Procedure and Timetable' outlined below.

1. Council of Minister's Approval

It is ECTEL's intention to finalize these Regulations after taking into account all comments received in this consultation process. The Telecommunications (Quality of Service) Regulations will then be recommended for adoption in the ECTEL Member States when approved by the Council of Ministers.

2. Consultation Procedure and Timetable

This ECTEL submission includes a request to the Commission to conduct a national consultation in [Member State] on the draft revised Telecommunications (Quality of Service) Regulations.

The consultation period will run from 27th February 2007 and comments should be submitted in writing **no later than** 4:30 pm on 19th March 2007 to:

The Managing Director
ECTEL
P.O. Box 1886
Vide Boutielle
Castries
St. Lucia
Facsimile: 1 758 458 1698
E-mail: consultation@ectel.int

All comments should be clearly marked "Comments on Draft Revised Telecommunications (Quality of Service) Regulations Consultation Document".

Disclaimer

This consultative document does not constitute legal, commercial or technical advice. The consultation is without prejudice to the legal position of ECTEL's duties to provide advice and recommendations to the Ministers with responsibility for telecommunications and the National Telecommunications Regulatory Commissions.

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(Gazette No. ...of 200-)

Telecommunications (Quality of Service) Regulations

SRO #--

[Member State]

STATUTORY RULES AND ORDERS No. [-] of 200[-]

REGULATIONS

Made by the Minister under section [-] of the Telecommunications Act, 200- (Act No [-] of 200[-]).

Citation

1. These Regulations may be cited as the Telecommunications (Quality of Service) Regulations, 200[-]

Interpretation

2. In these Regulations –

“**Act**” means the Telecommunications Act No. of 200[-];

“**Billing accuracy**” means the measure of the number of incorrect bills per 1000 bills issued where an incorrect bill is one which has been determined by the telecommunications provider or Commission to have been issued with an error;

“**Call completion success rate**” means the percentage of originated calls successfully completed where a successfully completed call is established by a successful connection to the called number although the called party may not answer;

“**Commission**” means the National Telecommunications Regulatory Commission established by section [-] of the Act;

“**Compliance manual**” means a document that includes details of work processes and information systems concerning criteria and parameter treatment, and details of algorithmic treatment of parameter calculations;

“**Connection of service**” means the interval between approval of an application for a service and the provision of the service by the telecommunications provider;

“**Customer Care Service Answered and Attended**” means the duration from the instant when the address information required for setting up a call is received by the network to the instant the human operator answers the calling user to provide the service requested. A service provided wholly automatically, example by voice response systems, is excluded;

“ECTEL” means the Eastern Caribbean Telecommunications Authority established by Article 2 of the Eastern Caribbean Telecommunications Authority Treaty;

“Fault report” means a report of disrupted or degraded service that is made by a customer and is attributable to the network of the telecommunications service provider or any interconnected public network, and that is not found to be invalid;

“Force majeure” means any event or effect that can be neither anticipated nor controlled and includes both acts of nature such as earthquake, flood, lightning and hurricane, and acts of people such as riot, strike, civil disorder, declared state of emergency and war or any similar act which the Commission determines to be *force majeure*;

“Loss of Service” means the interruption of the transmission, conveyance or routing of voice, data, audio, video, or any other information or signals that the consumer has engaged the services of telecommunications provider to ensure that transmission, conveyance or routing occurs but does not include interruption of service from drop in signal level for a period not exceeding thirty (30) seconds;

“Peak period” means the twelve hour period of the day, between 6:00 am and 8:00 pm., on Monday to Friday inclusive and special days, that the relevant telecommunications provider designates as the period of high level of telecommunications traffic on its network;

“Planned disruption of service” means the scheduled or planned downtime by the telecommunications provider;

“Quality of Service” means the main criteria of the performance for a telecommunications network and the degree to which the network conforms to the stipulated parameters;

“Quarter” means such period of three months ending 31st March, 30th June, 30th September or 31st December in a calendar year;

“Reconnection time” means the period between the settling of outstanding amounts by the customer and the resumption of service;

“Reconnection of service” means where the provider restores telecommunications service after the telecommunications provider or its duly authorized agent receives overdue payment from the customer;

“Reported fault cleared” means the duration from the instant a fault has been notified by the customer to the published point of contact of the telecommunications service provider to the instant when the service or service element has been restored to normal working order;

“Special days” means (i) Christmas Day, (ii) New Year’s Day and (iii) Mothers’ Day;

“Standard installation” means an installation where the necessary equipment to carry out the installation is readily available and no significant additional resources are required;

“**Universal service provider**” means a telecommunications provider that is required to provide universal service;

“**Unreported fault cleared**” means the duration from the instant a fault has been detected by the telecommunications service provider to the instant when the service or service element has been restored to normal working order.

Application

3. (1) These regulations apply to the providers of any of the following telecommunications services:
 - a) Public Fixed Telecommunications Service;
 - b) Public Mobile Telecommunications Service;
 - c) Internet Service.
- (2) The Minister may, by Order published in the Gazette amend sub-regulation (1) to add to or remove any of the services and related quality of service parameters and criteria to which these regulations apply.

Quality of service criteria and parameters

4. The quality of service criteria and parameters are set out in the Schedules.

Publication of Quality of Service Information

5. The Commission may, after consultation with ECTEL, determine the content, form and manner of publication of information on the quality of service to be provided.

Universal Service Providers

6. Nothing in these Regulations shall exempt a universal service provider from complying with the established quality of service criteria and parameters.

Amendment of service criteria and parameters

- 7 (1) The Commission may, after consultation with ECTEL, and having regard to market needs or the regulatory objectives of the Commission

make recommendations to the Minister to amend the service criteria and parameters set out in the Schedules.

- (2) The Minister shall, upon receipt of a recommendation from the Commission, amend the Schedules to these regulations by Order published in the Gazette.

Obligations of telecommunications provider

8. (1) A telecommunications provider may in addition to the criteria set out herein adopt additional service criteria or parameters to determine its level of quality of service.
- (3) Where a telecommunications provider adopts additional criteria in accordance with sub-regulation (1) and introduces procedures and information systems intended for the treatment of quality of service criteria and parameters it shall notify the Commission at least 30 days prior to the intended introduction and shall notify the public of its quality of service information.
- (3) In the notice sent to the Commission, the telecommunications provider shall detail all relevant matters including the methods and systems used for their measurement.
- (4) A telecommunications provider who provides ISVR services shall:
 - (a) establish and maintain efficient information and assistance to assist customers in resolving questions and issues relating to the services that it provides;
 - (b) maintain adequate trained personnel to receive and respond promptly to complaints from customers;
 - (c) take all commercially reasonable action to promptly remedy and avoid the recurrence of the cause of all customer complaints which relate to calling cards, quality, availability or delivery of the services that it provides;
 - (d) be solely responsible for the treatment of customers' complaints; and
 - (e) keep and maintain all information on the complaints made by customers and shall provide such information to the Commission at least once a year.

Connection Service Time

9. (1) Requests for connection of service that do not involve a standard installation because the telecommunications provider:

- (a) does not supply the particular service in the requested geographical area;
- (b) cannot technically install the service within the time frame provided for in the Schedules; or
- (c) cannot install the service because it is not technically feasible

are excluded from the operation of these Regulations.

- (2) The burden of proving that the service cannot technically be installed within the time frame set out in the Schedules or that it is not technically feasible to install the service shall lie with the telecommunications provider.
- (3) Notwithstanding sub-regulation (1), where a service provider and a consumer agree that a request for connection would be completed within an agreed time frame, the delivery time shall be taken into consideration for measurement purposes.

Information systems and procedures used to measure quality of service

- 10. (1) A telecommunications provider shall, within 3 months after the introduction of the criteria and parameters established in the Schedules, keep current a compliance manual.
- (2) A telecommunications provider shall not delete any part of the compliance manual without the prior written consent of the Commission.
- (3) The telecommunications provider shall keep and provide the compliance manual referred to in sub-regulation (1) in any format directed by the Commission.
- (4) Where pursuant to sub-regulation 7(2) the Schedules hereto have been amended, the affected telecommunications providers shall within 30 days of the coming into effect of those amendments include them with any necessary adaptations in the compliance manual referred to in sub-regulation (1).

Record Keeping

- 11. A telecommunications service provider shall retain quality of service data as well as all measurements and related records for a minimum period of eighteen months after the end of the reporting period or until such time as the Commission shall direct.

Unpredictable situations and cases of *force majeure*

12. (1) In the event of a natural disaster or other case of force majeure affecting quality of service, a telecommunications provider shall:
 - (a) provide the Commission with satisfactory information with regard to compliance with quality of service requirements during the relevant period; and
 - (b) make available to the Commission and the public details of the achieved level of compliance during the relevant period.
- (2) The Commission may take into account factors relating to:
 - (a) any changes in environmental or operating conditions that could not have been reasonably foreseen by the telecommunications provider; or
 - (b) any service deficiencies that arise partly or wholly from the services of another telecommunications provider;

which may affect a telecommunications provider's ability to achieve the quality of service criteria and parameters as set out in the Schedules.

Information to Commission

13. (1) A telecommunications provider shall submit to the Commission on a quarterly basis a report on its achievements for each of the service criteria and parameters set out in the Schedules to these regulations for the last reporting quarter.
- (2) The telecommunications provider shall submit the report referred to in sub-regulation (1) on the last working day of the month following the end of the quarter;
- (3) Where a telecommunications providers has not attained the service criteria and parameters set out in the Schedules hereto, the telecommunications provider shall state the reasons therefore and the time period within which it shall attain the required service criteria and parameters.

Making available information to customer

14. (1) A telecommunications provider shall, before it concludes a contract with a customer, make available to that customer clear and up-to-date information on its quality of service.

- (2) Notwithstanding sub-regulation (1), before the last working day of January each year, a telecommunications provider shall publish on its website and in one newspaper of general circulation:
 - a) Clear and up-to-date information on the average performance levels achieved during the previous year compared with each criterion and parameter detailed in the Schedules to these Regulations;
 - b) Clear and up- to- date information on the minimum and average quality of service levels it proposes to provide to consumers in the course of the year.

Advance Notice

15. A telecommunications provider shall give consumers advance notice of planned interruption of service by publishing the notice in the electronic media and or the print media.

Compliance and Enforcement

16. (1) Notwithstanding regulations 14, a telecommunications provider to whom these regulations apply shall comply with the obligations provided for in these regulations within six months of the coming into effect of these regulations.
- (2) A telecommunications provider who:
 - (a) fails to comply with these Regulations after six months have elapsed from the coming into effect of these Regulations;
 - (b) fails to submit during a time period specified in these Regulations or by the Commission, information requested by the Regulations;
 - (c) submits or publishes false or misleading information relating to quality of service; or obstructs or prevents an investigation by the Commission of the quality of service measurement, reporting or record keeping procedures;

commits an offence and shall be liable to the enforcement measures outlined in the Act including suspension or revocation of its licence as provided for in Section _of the Act.
- (3) Without prejudice to sub-regulation (2) above, the Commission may also take one or more of the following enforcement measures:
 - (a) require the telecommunications provider to implement a remedial plan to improve the quality of service of the relevant services over a period to be determined by the Commission; and

- (b) require the service provider to publish additional information about the quality of the relevant service and if so determined by the Commission its implementation of the remedial plan.

SCHEDULE 1

Quality of Service Criteria and Parameters Fixed Public Telecommunications Service		Year 1	Year 2	Year 3	Compliance
1	Maximum waiting time for connection of service (working days)	14	10	7	> 90 %
2	Unreported faults cleared within 24 hours	70%	75%	80%	Not applicable
3	Unreported faults cleared within 48hours	80%	85%	90%	Not applicable
4	Unreported faults cleared within 72 hours	90%	90%	>90%	Not applicable
5	Reported faults cleared within 24 hours	80%	90%	>90%	Not applicable
6	Reported faults cleared within 48hours	90%	95%	>95%	Not applicable
7	Reported faults cleared within 72 hours	95%	>95%	>98%	Not applicable
8	Loss of service not to exceed (days) in a 30 day period	7	5	3	Not applicable
9	Call completion success rate for local calls during peak period (percent)	80	85	90	Not Applicable
10	Call completion success rate for International calls during peak period (percent)	75	80	85	Not Applicable
11	Number of billing errors per 1000 bills	10	8	5	> 90 %
12	Percentage of calls to customer care service answered and attended to in 20 seconds (percent)	70	75	80	Not Applicable
13	Reconnection of service after payment of overdue amounts within period (Business hours)	5	4	3	85 %
14	Advance Notice for planned disruption of service (hours minimum)	48	48	48	95 %

SCHEDULE

2

Quality of Service Criteria and Parameters Mobile Telecommunications Services	Year 1	Year 2	Year 3	Compliance
Maximum waiting time for connection of service (working days)	3	2	2	85 %
Repeated loss of service not to exceed (days) in a 30 day period	3	2	1	90 %
Call completion success rate for local calls during peak period (percent)	85	95	98	Not Applicable
Call completion success rate for International calls during peak period (percent)	80	85	90	Not Applicable
Number of billing accuracy errors per 1000 bills (Post paid)	10	8	5	> 95 %
Percentage of calls to customer care service answered and attended to in 20 seconds (percent)	70	75	80	Not Applicable
Reconnection of service after payment of overdue amounts (post paid) within period(Business hours)	5	4	3	> 90 %
Advance Notice for planned disruption of service (hours minimum)	48	48	48	95 %

SCHEDULE 3

Quality of Service Criteria and Parameters Internet Services	Year 1	Year 2	Year 3	Compliance
Maximum waiting time for connection of service (working days)	14	10	7	90 %
Access time to ISP for dial up connection	<90 secs	<60 secs	<60 secs	90 %
Repeated loss of service not to exceed (days) in a 30 day period	1	1	0.5	90 %
Isolation of a geographical area affecting more than 50 customers; number of incidences in a 30 day period	5	3	2	95 %
Reported faults per 100 subscribers for a 30 day period	<3	<3	<3	90 %
Redress complaints within 7 days in respect of provision or disconnection of Internet access (%)	80	85	90	Not Applicable
Faults clearance	80%	90 %	95 %	Not Applicable
<ul style="list-style-type: none"> • within 24 clock hours • within 72 clock hours • within 3 to 7 days 	95%	97 %	99 %	
	98%	99 %	99.5 %	
Advance notice for planned disruption of service (hours minimum)	48	48	48	>90 %