

ECTEL'S CONSULTATION DOCUMENT

TELECOMMUNICATIONS (Quality of Service) REGULATIONS

1. Introduction

Consistent with its mandate under the ECTEL Treaty, ECTEL is submitting a draft Telecommunications (Quality of Service) Regulations for comment. Commenters are asked to pay special attention to the quality of service criteria and parameters for Fixed Public Telecommunications Network, Mobile Networks and Internet Access Services included in the Schedules to this draft Regulations.

It would be noted that at this initial stage ECTEL has opted to establish only the quality of service criteria and parameters to be made available by telecommunications providers that provide fixed telephone, mobile telephone and Internet access services.

Although it was anticipated that competition would determine quality of service for the services that are being competitively offered, due to prevailing circumstances, we consider it necessary to establish certain quality of service parameters for mobile providers.

At a later stage, after considering the market needs,) and the regulatory objectives to be pursued by its Member States, ECTEL will recommend parameters for other telecommunications services to be included in these regulations.

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. During this consultation period, ECTEL intends, in collaboration with the Commission to utilize the available media in seeking the views of stakeholders. The venues, dates and times of these events will be published.

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 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 30th November 2005 and comments should be submitted in writing **no later than** 4:30 pm on 28th February 2006 to:

The Managing Director
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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.

Telecommunications (Quality of Service) Regulations 200[-]

ARRANGEMENT OF REGULATIONS

PRELIMINARY

1. Citation
2. Interpretation
3. Quality of service criteria and parameters
4. Obligations of Telecommunications Providers
5. Information systems and procedures used to measure quality of service
6. Unpredictable situations and cases of *force majeure*
7. Information to Commission
8. Making available information to consumers/
9. Miscellaneous provisions

SCHEDULES

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-).

PART I

PRELIMINARY

Citation

1. These Regulations may be cited as the Telecommunications (Quality of Service) Regulations, 2005

Interpretation

2. In these Regulations -
“Act” means the Telecommunications Act No. ... Of 200[];
“Billing accuracy” means the measure of correct bills in relation to the total number of bills;
“Call completion success rates” means the ratio of successfully completed calls to the total number of attempted calls;
“Commission” means the National Telecommunications Regulatory Commission established by section [-] of the Act;

“Connection of service” means the interval between submission of an application by the consumer and the provision of the service by the telecommunications provider;

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

“Partial Loss of Service” means the deterioration in a service but with alternative means available to provide the same service.

“Planned outages” means the scheduled or planned downtime by the provider;

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

“Total Loss of Service” means the absence of a particular service with no alternative means available to provide the same service.

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

Application

- (1) These regulations shall apply to a telecommunications provider that provides any of the following services:
 - (a) Public Fixed Telecommunications Service;
 - (b) Public Mobile Telecommunications Service;
 - (c) Internet Access Service.
- (2) The Minister may, by Order published in the Gazette, amend sub-regulation (1) to add 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

3.
 - (1) The Commission, after consultation with ECTEL, shall establish the quality of service criteria and parameters for telecommunications providers.
 - (2) The quality of service criteria and parameters established pursuant to sub-regulation (1) are set out in the Schedules hereto.

- (3) The Commission may, after consultation with ECTEL, modify the criteria and parameters established in sub-regulation (1) in accordance with market needs or the regulatory objectives of the Commission.
- (4) After a consultation process, the Commission may use additional criteria and parameters to determine quality of service and telecommunications providers shall comply with the additional criteria and parameters.
- (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.
- (6) Nothing in these Regulations shall exempt a universal service provider from complying with the established quality of service criteria and parameters.

Obligations of telecommunications providers

4. (1) A telecommunications provider shall:
 - a) where it introduces procedures and information systems intended for the treatment of quality of service criteria and parameters, comply with the mechanisms specified in regulation 5 ;
 - b) make available to the public its quality of service information;
- (2) Where the telecommunications provider intends to adopt additional criteria or parameters to determine quality of service it shall notify the Commission at least 30 days prior to the intended introduction.
- (3) In the notice it shall detail all relevant matters including the methods and systems used for their measurement.

Information systems and procedures used to measure quality of service

5. (1) A telecommunications provider shall, within 3 months after the introduction of the criteria and parameters established in the Schedules, publish and keep current a manual that shall include the following:
 - a) All documents on work processes regarding criteria and parameter treatment;

- b) Relevant technical documents on information systems concerning criteria and parameter treatment, detailing data structures and explanations of their functional usage;
 - c) Algorithmic manual of parameter calculation, with clear details of the technical documents referred to in sub-regulations (1) (a) and (b) and the information sources.
- (2) The telecommunications provider shall maintain the manual referred to in sub-regulation (1) by including its previously submitted versions so as to allow historical assessment.
 - (3) The telecommunications provider shall keep and provide the manual referred to in sub-regulation (1) in any format requested by the Commission.
 - (4) Where pursuant to sub-regulation 3(5) the Commission amends the procedures to be adopted by telecommunications providers, the affected telecommunications providers shall within 30 days of the coming into effect of those amendments include them with any necessary adaptations in the manual referred to in sub-regulation (1).

Unpredictable situations and cases of *force majeure*

- 6. (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;
 - b) Make available to the Commission and the public details of the achieved level of compliance during the relevant period.

Information to Commission

- 7. (1) A telecommunications provider shall submit to the Commission a report on the monthly and quarterly achievement for each of the criteria and parameters set out in the Schedules to these Regulations.

- (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 a quarter.

Making available information to consumers

8. (1) A telecommunications provider shall, before it concludes a contract with a customer, make available to that customer clear and up-to-date information of its quality of service.
- (2) Notwithstanding sub-regulation (1), before the last working day of January each year, telecommunications providers shall publish on its website and in two newspapers of general circulation:
 - (a) 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) 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.
- (3) In the event that the criteria and parameters detailed in the Schedules to these regulations take effect on a date subsequent to that referred to in sub-regulation (2), telecommunications providers shall make available to the public the required information no later than 60 days after it takes effect.
- (4) In the circumstances referred to in sub-regulation (3), the telecommunications provider shall make available the required information under the terms defined in sub-regulation (2), in addition to postings in its service outlets.

Miscellaneous provisions

9. A telecommunications provider shall comply with the information obligations provided for in regulations 7 and 8 within six months of the coming into effect of these Regulations.

SCHEDULE 1

Quality of Service Criteria and Parameters Fixed Public Telecommunications Service		Year 1	Year 2	Year 3
1	Maximum waiting time for connection of service (working days)	14	10	7
2	Repeated Total or Partial loss of service not to exceed (days) in a 30 day period	7	5	3
3	Call completion success rate for local calls during peak period (percent)	85	95	98
4	Call completion success rate for International calls during peak period (percent)	80	85	90
5	Number of billing accuracy errors per 1000 bills	10	8	5
6	Percentage of calls to customer care service answered and attended to in 20 seconds (percent)	70	75	80
7	Reconnection of service after payment of overdue amounts within period (Business hours)	6	5	4
8	Advance Notice for planned disruption of service (hours minimum)	24	24	24

SCHEDULE 2

Quality of Service Criteria and Parameters Mobile Telecommunications Services		Year 1	Year 2	Year 3
Maximum waiting time for connection of service (working days)		3	2	2
Repeated Total or Partial loss of service not to exceed (days) in a 30 day period		3	2	1
Call completion success rate for local calls during peak period (percent)		85	95	98
Call completion success rate for International calls during peak period (percent)		80	85	90
Number of billing accuracy errors per 1000 bills (Post paid)		10	8	5
Percentage of calls to customer care service answered and attended to in 20 seconds (percent)		70	75	80
Reconnection of service after payment of overdue amounts (post paid) within period (Business hours)		5	3	2
Advance Notice for planned disruption of service (hours minimum)		24	24	24

SCHEDULE 3

Quality of Service Criteria and Parameters Internet Access Services	Year 1	Year 2	Year 3
Maximum waiting time for connection of service (working days) (Service Access Delay) ¹	5	3	2
Access time to ISP for dial up connection ²	<90 secs	<60 secs	<45 secs
Speed of Connection for dial up (minimum)	> 64 K	>128 K	>512 K
Access time (ADSL)	< 60 secs	< 45secs	<45 secs
Speed of Connection (ADSL)	> 128 K	>256 K	>512 K
Repeated Total or Partial loss of service not to exceed (days) in a 30 day period	1	1	0.5
Community isolation affecting more than 50 customers; no of incidences in a 30 day period	5	3	2
Reported faults per 100 subscribers for a 30 day period	<3	<3	<3
Compliance period for compliance with requests for provision and withdrawal of Internet connection (working days)	5	3	3
Redress complaints within 7 days in respect of provision/withdrawal of Internet connection	80	85	90
Faults clearance			
- within 24 clock hours	80%	90 %	95 %
- within 72 clock hours	95%	97 %	99 %
- within 3 to 7 days	98%	99 %	99.5 %
Advance Notice for planned disruption of service (hours minimum)	24	24	24

¹ Service Access Delay The expectation of that time between an initial request by the user for the acquisition of a service and the instant of time the user has access to the service, the service being obtained within specified tolerances and other given operating conditions. ITU-T E800/3312

² Depends on port to user ratio which should be greater than 0.1