

Issue: Draft for Consultation



**REPUBLIC OF LEBANON
TELECOMMUNICATIONS
REGULATORY AUTHORITY**

CONSUMER AFFAIRS GUIDELINES

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1 Purpose of the Guidelines

1.1 Background

1. The Consumer Guidelines form part of the Regulations issued by the Telecommunications Regulatory Authority (TRA) of Lebanon in accordance with the Telecommunications Law (the Law). These Guidelines are designed to serve potential and current market participants in this sector by providing clear and concise explanations concerning all elements of the consumer affairs regulatory regime.
2. The Government of Lebanon has embarked upon the process of transforming the state controlled monopoly Service Provider to privately controlled competitive service provider.
3. The TRA has been established to monitor the sector, respond to service provider abuse and to enforce the Law.
4. The Law gives TRA specifically the responsibility for consumer affairs, related to telecommunications, in order to provide consumers with adequate levels of protection against service provider abuse, information regarding service prices, quality levels for services, available choices and redress.
5. In order to protect against Service Provider malfeasance and abusive behaviour TRA may need to implement a set of regulatory measures and a body of consumer protection policies, to provide consumers with the information they require to make informed choices, and hence to maximise the benefits they can derive from competitive service provisioning.
6. By outlining the rights and obligations of Service Providers and consumers as it concerns public telecommunications services, the Consumer Guidelines will detail the specific objectives that the TRA is setting for itself, as well as the telecommunications industry.

1.2 Objective of the Consumer Guidelines

7. The Consumer Guidelines detail the telecommunications regulations related to Consumer Affairs.
8. The Guidelines have been drafted as part of the introduction of competition in the telecommunications sector in Lebanon.
9. The Guidelines aim to encourage good practice by providers and to promote the provision of universal service and high quality service to end-users.
10. The Guidelines aim to assure consumers of quality service, fairness in tariffs, transparency in billing, and the opportunity of redress for service provider malfeasance.

1.3 Legal Basis

1.3.1 The Telecommunications Law

11. The main legal basis setting the duties and responsibilities for the TRA is the Telecommunications Law, especially Article 5.

12. Articles 23, 38, 39, 41, and 43 of the Telecommunications Law address specific responsibilities given to the TRA in matters that are related to consumers of telecommunications services.
13. The distribution of tasks among the units and sections of the TRA is set out in the enabling Decree¹. This Decree includes the provision for the establishment of the Information and Consumer Affairs Unit within the TRA.
14. Article 5.1, of the Telecommunications Law, outlines the duties and powers of the TRA, and includes in its various articles the authority to issue guidelines for the protection of consumers.
15. Article 5.3 of the Telecommunications Law states that “the TRA shall commit to the principle of developing the services regulations of the Telecommunications Sector according to the most modern technical means and regulatory requirements”. For this purpose, the TRA is empowered to establish rules for collecting and considering the comments and suggestions from sector stakeholders when necessary.
16. The Telecommunications Law furthermore provides the TRA in Article 28.3 with the power to control and regulate the rates and tariffs of all Public Telecommunications Service Providers by whatever means it deems appropriate.
17. Article 31 of the Telecommunications Law delegates to TRA the authority to manage the numbering plan in a non-discriminatory manner.
18. The Law in Article 25 (2) – “Provisions applicable to Public Telecommunications Service Providers” directs the TRA to ensure that
 - The Public Telecommunications Services Licence includes mandatory and optional infrastructure targets that are related to the scope of expansion, and imposes standards that ensure high quality of service.
 - The quality of service standards include, but are not limited to requirements related to the period of the service provision, call completion rates, fault rates, fault repair times, dial tone delays, and dialling errors.
 - The procedures for measuring, reporting and monitoring compliance with the infrastructure, the targets of the expansion and quality of service standards are put in place.
 - The Licence include explicit conditions to ensure continuity of service upon the expiry of the Licence.

1.3.2 The Consumer Protection Law

19. Law n° 659 of February 4, 2005 titled “Consumer Protection Law” (CPL) related to Consumer Protection was published in the Official Gazette. It entered into force on May 10, 2005.
20. In cases of overlap between CPL and the Telecommunications Law, the provisions of the Telecommunications Law, being a special law, shall prevail over the provisions of the CPL, which is a more general Law. The Consumer Affairs Guidelines have been developed in line with this understanding.

¹ Decree No. 14264 TRA Administrative and Financial Regulation Decree, issued on 4th March 2005.

1.4 TRA Consumer Affairs Guidelines

21. The Consumer Affairs Guidelines apply to all Service Providers and End Users of Telecommunications Services in Lebanon. They do not apply to users of Private Telecommunications Services.
22. TRA may engage in public consultations regarding consumer protection prior to the implementation of the Consumer Affairs Guidelines.
23. These Guidelines become effective upon completion of the approval and promulgation process set forth in the TRA Code of Practice, including a public consultation and the approval of these Guidelines by the TRA Board. TRA may publish these Guidelines in the Official Gazette and/or on the TRA website.
24. TRA is cognisant that full implementation of the Consumer Affairs Guidelines will necessitate existing Providers of Telecommunication Service to undertake a number of changes to internal systems and processes. As a result, TRA will consult with the affected parties and reach agreement with Service Providers on applicable schedules for compliance with these Guidelines within twelve (12) months from publication. However, unless and until some interim implementation arrangement has been granted to a particular Service Provider or group of Service Providers, the present Guidelines will apply in full as of the date of their entry into force.
25. TRA's Information and Consumer Affairs Unit (ICAU) is mandated to provide all necessary information in order to ensure transparency, and assume responsibility for consumer affairs for the purpose of informing the public and protecting the consumer.
26. The primary functions of ICAU are consumer protection and public relations:
Consumer protection covers:
 - i) protecting consumer rights;
 - ii) promoting consumer interests.

1.5 Review Process

27. The Consumer Guidelines will be subject to periodic review and may be amended following consultation with interested parties in the light of their experience in the telecommunications sector, as well as ongoing developments in telecommunications markets, and of any changes to Lebanese national law.

1.6 Interpretation

28. Individual clauses and/or guidelines containing the word 'shall' are mandatory requirements and are binding on Service Providers.
29. Individual guidelines containing the word 'should' are recommendations to Service Providers but are not mandatory in and of themselves.
30. Individual guidelines containing the word 'may' are permissions to Service Providers.
31. Individual guidelines containing the word "will" are obligations that the TRA are setting for its own actions.

1.7 TRA Regulatory Principles

32. TRA requires Service Providers to take measure to ensure:

- a) protection of vulnerable groups;
- b) billing accuracy;
- c) itemised and per service billing;
- d) No transfer of consumers from one supplier to another without their knowledge and explicit consent (sometimes referred to as 'Slamming').
- e) Procedures are in place for resolution of consumer disputes.

33. TRA will ensure that all Service Providers include requirements applicable to the Services provided by providers with designated SMP status concerning:

- a) affordability of services;
- b) quality of services;
- c) Universal Service provisions;
- d) service provisioning for subscribers with handicaps.

1.8 Structure of the Consumer Affairs Guidelines

34. The Guidelines are structured as follows and comprise the following items:

Section 2 - Definitions

Section 3 - Scope of Regulation

Section 4 - Communications

Section 5 - Consumer Choice

Section 6 - Consumer Rights

Section 7 – Quality of Service

2 Definitions

35. In the event of conflict or ambiguity between the terms defined herein and the terms defined in the Licence or in the Law then the following order of precedence shall apply:
- a) Telecommunications Law
 - b) The Consumer Affairs Guidelines
 - c) Service Provider Licence
36. For the purposes of use in these Guidelines, the following terms will have the ascribed meanings:

Authority / TRA means the Telecommunications Regulatory Authority in Lebanon established by virtue of the Telecommunications Law.

Basic Telephony Services are Public Telecommunications Services limited to two-way real-time voice transmission within all of Lebanon offered as a Fixed Telecommunications Service over a Self-operated Network. Basic Telephony Services are classified for licensing purposes as requiring a Public Fixed Network licence.

Consumer means any natural or judicial person other than a Provider of Telecommunications Services. See also End User.

Consumer Affairs means any regulation related to consumers and Telecommunications Equipment and Telecommunications Services.

Customer means the Person who receives Telecommunications Services and pays the corresponding fees for a period of time by virtue of an agreement with or pursuant to terms established by the Service Provider.

Customer Premises Equipment (CPE) means any technical devices, including wiring that are suitable for connecting to the Network Termination Interface that is owned or controlled by an End User within his or her private premises without commercial purpose and which may be used to originate, route, terminate, store or convert any communication over the network. Importation, sale and use of such CPE may be subject to equipment standards specified in the Radio and Telecommunications Terminal Equipment (RTTE) Type Approval Guidelines but is not subject to licensing under the present Guidelines.

Emergency Services are services given to the Public free of charge as defined from time to time by the regulator in consultation with the licensed Service Provider(s).

End User (or User) means any natural or judicial person, excluding Providers of Telecommunications Services, purchasing, consuming or using Telecommunications Services solely for their own consumption. Irrespective of whether an End User is an individual, household, or institutions of any kind, such End User may not provide access to Telecommunications Services to persons outside their respective Defined User Group, nor provide access on a commercial scale or for profit. End users are Consumers.

Facility means a physical component of a telecommunications network, other than CPE, including wires, lines, terrestrial and submarine cables, wave guides, optics or other equipment or object connected therewith, used for the purpose of telecommunications and includes any post, pole, tower, standard, bracket, stay, strut, insulator, pipe, conduit, or similar thing used for carrying, suspending, supporting or protecting the structure.

Information means signs, signals, writings, sounds and other data.

Interconnection means the physical and logical linking of telecommunications networks used by one or more Service Provider in order to enable the Users or Subscribers of the same or another provider to communicate, and linking any service to another one across Networks, be it locally or internationally.

International Telecommunications Services means Telecommunications Services provided between Lebanon and abroad.

Network means a system of interconnected facilities designed to carry traffic including any Telecommunications Service. Network here includes both the physical components (Infrastructure) and the various traffic networks, each representing a particular interconnection of infrastructures for certain Telecommunications Services.

Network Performance means the ability of a network portion to provide the functions related to communication between users (ITU-T Rec. E.800).

Non-discrimination means supplying the same product/service to different consumers on the same financial, technical and service terms.

Price Cap - A method of setting prices whereby the SMP Provider is given a limit on the average per usage (or per consumer) revenue it may collect, but within that is given flexibility on how to set the prices, and is permitted to recover profits above those cost-of-service regulation would consider reasonable, up to some limit, as an incentive to be more efficient.

Private Telecommunications Services means a Restricted Telecommunications Service provided to some Defined User Group or Groups:

- within or between contiguous premises or between premises utilising any means appropriate for transmission and reception within such limited geographic area, or
- between any number of non-contiguous locations or premises where these are connected by transport or transport segments obtained from another Provider, including on a leased capacity basis. Within these locations or premises, the provisions of the above clause apply.

Service Provider means any individual or legal person providing Telecommunications Services to others on a commercial scale or for profit. The TRA may by Guideline or Decision set forth specific criteria concerning the scale of operations sufficient for a person to be considered operating on a commercial scale.

Public Telecommunications Network means fully interconnected and integrated telecommunications systems consisting of various means of transmission and switching, used to provide Basic Telephone Service and other Public Telecommunications services.

Quality of Service means the collective effect of service performance which determine the degree of satisfaction of a user of the service (ITU-T Rec. E.800). and the statement of the level of quality required by the applications of consumers/users of a service, which may be expressed non-technically (ITU-T Rec. G.1000).

Service Provider with Significant Market Power (SMP) means a Service Provider that has the ability to practically affect the terms of the subscription relevant to the price and supply in a specific market relevant to a telecommunications service due to controlling essential facilities, or using its position in the market. Essential telecommunications facilities means a Public Telecommunications Service or infrastructure that is exclusively or predominantly provided by one or a few number of Providers and cannot feasibly be substituted, economically or technically, in order to provide the service.

Slamming occurs when a consumer's service is switched from one provider to another without the consumer's permission.

Subscriber is another term for Customer (See definition above).

Telecommunications Services means the provision of services inclusive of the transmission/reception and routing of information in a potentially interactive manner by any technological means. Telecommunications Services also means the provision of Infrastructure or elements thereof necessary for the provision of such services. Telecommunications Services include specific service categories, including but not limited to Network and End-User Services, Telephony, Value-Added Telecommunications Services, and Telecommunications Services provided to the Public or Restricted groups of persons (Defined User Groups or Licence Areas/Service Territories). The provision of any Telecommunications Service in Lebanon comes under the jurisdiction of the TRA and is subject to a Licence.

Universal Access (UA) describes the availability, within a defined reasonable travel time, of shared access points to Universal Services (such as payphones, telecentres, etc.)

Universal Provision is defined here to include both Universal Service and Universal Access.

Universal Service (US) describes availability of Telecommunications Service at the consumer's premises, or to him/her personally on a full-time basis.

Value Added Services are services which may or may not be Telecommunications Services and are characterised by:

- Alteration in form, code, protocol, or any other feature of the consumer-transmitted Information at the Network Termination Interface by means of telecommunications.
- Information provision to a User or Consumer, including the re-composition at the Network Termination Interface of Information originally transmitted by a User or Consumer.
- Provision of stored Information for interaction with a User or Consumer, including information stored on or off the network that enables the Consumer to access the network or utilise any services provided over a network.

Value-Added Services used by Consumers but provided entirely by Customer Premises Equipment (CPE) of any kind on the Consumer side of the Network Termination Interface are not subject to Licensing, nor will this type of Value Added Service be considered as relating to or involving a Telecommunications Service.

3 Scope of Consumer Affairs Guidelines

37. TRA recognises that the transition from state operated monopoly provider (MOT/OGERO) to private and later to competitive services provider requires continuing regulation to promote the public interest, including the provision and enforcement of basic consumer rights.
38. This requirement arises principally from the fact that the former state-owned monopoly provider is likely to remain a Service Provider with Significant Market Power SMP after corporatization as Liban Telecom for a period of time.
39. TRA recognises that consumers should be protected from potential abuse by Liban Telecom's market power, as well as other Service Providers with designated SMP status.
40. As a result, TRA will put in place regulation so as to prevent and discourage high prices, insufficient supply, deteriorating service quality and reliability, slow fault clearance, lagging introduction of advanced services, as well as inaccurate and incontestable bills.
41. TRA believes that the creation of a body of consumer protection policies is an effective method of reducing consumer fear, uncertainty and doubt and as a method to improve service selection and quality.
42. The TRA Guidelines specifically address:
 - a) Obligation to work with the consumer communications through:
 - i) information dissemination;
 - ii) consultation;
 - iii) TRA monitoring and reporting.
 - b) Consumer choice through encouraging:
 - i) Competition;
 - ii) Universal Service Provisions;
 - iii) Consumer protection;
 - iv) Fair Trade Practices.
 - c) Information Collection, Retention and Dissemination
 - d) Consumer Rights through processes dealing:
 - i) complaints and redress;
 - ii) dispute resolution;
 - iii) privacy and confidentiality;
 - iv) Non-discrimination;
 - v) telemarketing;
 - vi) tariffs and billing;
 - vii) access to Private Property;
 - viii) Emergency Services;
 - ix) telephone numbers;
 - x) connection to other consumers;

- xi) premium charge or value-added services;
 - xii) Health and Safety.
- e) Quality of Service.

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4 Communications

4.1 Information Dissemination

43. TRA will act to inform consumers when the TRA and/or Government have initiated changes in the Law, the provisioning of services, service pricing, Quality of Service (QoS), billing practices, or dispute resolution. Towards this end, TRA will:
- communicate in Arabic and English languages, with Arabic being the official version;
 - utilise a variety of media to communicate with consumers;
 - take into account the interests of those with sight or hearing difficulties, or other disabilities;
 - solicit the opinion of sector stakeholders;
 - monitor the flow of information and assess its effects; and
 - request organisations and civic groups to become channels of communications.
44. TRA will prepare publications, in both electronic and printed format, educating consumers about their rights, responsibilities, and opportunities. The publications will:
- explain the consumers' rights of access to services from telecommunications Service Providers, using clear and simple language;
 - promote awareness of the changes affecting the telecommunications sector and the role which TRA plays in ensuring the provision of high quality services at reasonable prices; and
 - provide answers to frequently asked questions on the TRA Website
45. TRA will publish on a regular basis information guides in accordance with international best practice, which seek to ensure that consumers are cognisant of their rights in dealing with telecommunications providers and/or can make informed decisions regarding the available services.
46. TRA will publish reports periodically as it deems appropriate on the Lebanese telecommunications market to ensure that consumers have up-to-date information on sector developments.
47. Service Providers shall publish and update periodically and at least twice a year unless so requested by the TRA, the following information:
- Headquarter contact details;
 - website;
 - shareholder and/or ownership;
 - numbers of Customers; and
 - Service Provider comparative QoS performance tables.
48. The TRA reports will contain:
- a list of new regulations;
 - new directives and/or decisions;
 - a comprehensive list of regulations, directives and decisions issued;
 - licensed Providers with SMP status;

- e) tariffs for Designated Services;
 - f) contact details and website;
 - g) Telecommunications User Group contact details and web sites;
 - h) performance tables covering consultations, complaints and enquiries on:
 - i) consultations with consumer groups and individuals;
 - ii) complaints concerning Quality of Service of Service Providers;
 - iii) complaints concerning tariffs;
 - iv) anti-competitive practices.
49. TRA will publish annually for each category the:
- a) number of enquires/complaints;
 - b) response time to enquiry by TRA; and
 - c) resolution time for enquiry/complaint.

4.2 TRA Monitoring and Reporting

50. TRA will review annual and periodic reports provided by Service Providers on quality of service performance and prices.
51. TRA will monitor sector performance through objective, periodic measurements, and respond to abuse effectively and in a timely manner.
52. Service Providers respect the right of consumers to receive clear and comprehensive information about rates, terms and conditions for available products and services, and to be charged only in accordance with such rates, terms and conditions as they have agreed to with their provider.
53. Consumers have the right to receive from Service Providers :
- a) accurate bills and redress, which gives the consumer the right to accurate and readily understandable bills for products and services authorised, and to fair, prompt and courteous redress for problems encountered;
 - b) non-discrimination, which gives the consumer the right to be treated equally to all other similarly situated consumers; and
 - c) protection against market abuse and unfair trade practices, which gives the consumer the right to complain in writing and have the expectation to receive an expeditious response and redress where appropriate.

4.3 Consultation

54. TRA may participate in user/consumer forums, trade group meetings and conventions in order to remain cognisant of relevant consumer issues.
55. TRA will seek consumer views through public consultations and surveys and publish in summary form their results, including the TRA's position on such issues, resulting decisions and actions taken.

5 Consumer Choice

5.1 Competition

56. TRA will formulate a strategy for market liberalisation of the telecommunications sector in order to provide consumers with increased choices of telecommunications services.
57. Consumers shall be able to switch their Service Provider by direct contact with the selected Service Provider: where such an agreement is based on an oral agreement, the Service Provider will be required to provide the consumers with a written contract confirming any oral agreement, which shall be signed and returned by the consumer to the Provider, who will be required to maintain the written contract on file.
58. Any Provider of Telecommunications Services that solicits customers shall seek TRA approval for its verification procedures, which will not allow the use of a negative option.
59. Telecommunications Providers that switch consumers without their explicit written authorisation and/or through unfair practices will be sanctioned and be subject to penalties as determined by TRA.
60. TRA may cancel the Licences of Providers that repeatedly fails to comply with the terms and conditions of said Licences.
61. Competitive licensed Service Providers may decide where they wish to offer services and the type of service they wish to offer. However, whatever market segment such a Provider chooses, or the type of service offered, the Service Provider shall provide services on a non-discriminatory basis.

5.2 Universal Service Provisions

62. In accordance with the Law, TRA will determine the Telecommunications Services that fall within the requirement of the universal service designation, taking into account the needs of the public, affordability of the service and advances in technologies.
63. Universal service shall include, at a minimum, a high quality basic telephone service as stipulated in the Law.
64. In accordance with the Law, TRA shall periodically determine the manner in which a basic telephone services shall be provided and funded in order to meet the requirements of Universal Provisioning for such service, including the obligations, if any, of the providers and users of the service.
65. Prior to terminating the offering to the public of a basic telephone service in respect to which the requirement of universal service applies, a Service Provider shall obtain written approval from TRA.

5.3 TRA Information Programmes for Consumer Protection

66. TRA will work with Government and Non-Government organisations to provide public education programmes in respect to consumer protection.
67. As new telecommunications technologies and services emerge TRA will review from time to time the adequacy of existing consumer protection measures, and will advise consumers accordingly.

5.4 Standard Consumer Contracts

68. All Licensed Providers shall prepare and abide by the Standard Consumer Contracts that meet the test of reasonableness and transparency.
69. The Standard Consumer Contracts shall include terms and conditions for the Service Provider to address all Consumer complaints in a fair and timely manner, including deadlines to address the consumer complaints.
70. Standard Consumer Contracts shall include at a minimum:
 - payment deadlines;
 - disconnection procedures including notices of disconnection;
 - the right to negotiate payment plans;
 - the right of reconnection following settlement of payment dispute.
71. Service Providers shall submit to TRA for review and approval Standard Consumer Contracts.

5.5 Service Provider Information Requirements

72. Service Providers shall take such steps as are necessary to ensure, in relation to their Network Services, that users can reasonably and reliably have access to information to assist them in the selection of the Network Services of their choice, including installation, fault reporting, billing, price and directory assistance.
73. Service Providers shall not use “unfair trade practices” such as false and misleading advertising and/or engage in exhibiting anticompetitive behaviour.
74. The Service Provider shall, upon request, provide (directly or indirectly), free of charge to all users of its public telephone services, a directory of listings of telephone numbers of its subscribers in hard copy (such as paper or other media) for such listing.
75. The providers of Universal Service shall include, at a minimum, a telephone directory for subscribers of basic telephone services, Service Provider assisted information services, and free access to emergency telecommunications services.

6 Consumer Rights

6.1 Complaints and Redress

76. Providers of Telecommunications Services shall provide a Customer care centre for complaints handling that is effective and efficient for dispute resolution, including free phone numbers for inquiries, written and verbal complaint procedures, and the telephone number, as well as the e-mail and mailing address of TRA.
77. TRA will implement a consumer complaints procedure that is effective and efficient for dispute handling and resolution for cases where consumer complaints have not been handled to their satisfaction by a service provider's customer care unit.
78. The TRA consumer complaints process shall protect the interest of consumers by
- a) handling inquiries and complaints, by undertaking investigations and by making recommendations;
 - b) establishing a consumer complaint process which will:
 - i) acknowledge all written communications within two working days of receipt and send a response within ten working days whether or not a full response to the enquiry can be provided;
 - ii) acknowledge all electronic communications within 12 hours of receipt and send a response electronically within six working days whether or not a full response to the enquiry can be provided.
79. Service Providers shall file quarterly complaint reports to TRA, which represents the record of the number of complaints received, the nature of the complaint, the Service Provider's number of complaints resolved and the number of complaints pending.
80. Service Providers shall provide consumers with the required information which will permit them to file complaints before the TRA.

6.2 Complaint Resolution Procedure

81. Consumers may file complaints with the TRA after having exhausted the Consumer Complaints Process in the approved Standard Consumer Contracts.
82. TRA shall institute a complaint resolution procedure between consumers and providers that is expeditious, transparent, understandable, and consumer-friendly.
83. The complaint procedure shall be funded by the parties to the complaint in such manner as the TRA considers reasonable and just.
84. TRA shall expeditiously hold hearings and inquiries, and investigate any matter which is before it.
85. TRA shall determine the periods that are reasonably necessary for the fair and adequate presentation of the matter by the respective parties, and TRA may require those matters to be presented within the periods so determined.
86. TRA may require evidence or arguments to be presented in writing and may decide the matters upon which it will hear oral evidence or arguments.
87. Every party to a matter shall be entitled to appear at the hearing and may be represented by an attorney or any other person who in the opinion of the TRA is competent to assist the party in the presentation of the matter.

88. TRA may:
- a) issue summons to compel the attendance of witnesses;
 - b) examine witnesses on oath, affirmation or otherwise; and
 - c) compel the production of documents.
89. A summons issued by the TRA shall be under the hand of the Chairman.
90. TRA may, in relation to any matter brought before it:
- a) make provisional or interim orders or awards relating to the matter or part thereof, or give directions in pursuance of the hearing;
 - b) dismiss or refrain from hearing or determining a matter, in whole or in part, if it appears that the matter, or part of the matter, is trivial or vexatious or that further proceedings are not necessary or desirable in the public interest;
 - c) in appropriate circumstances, order any party to pay the reasonable costs and expenses of another party, including the expenses of witnesses and reasonable attorneys' fees, in bringing such matter before the TRA, except that no such award shall be made when such other party is a Service Provider of a telecommunications network or a provider of a telecommunications service absent a determination by the TRA that the party's conduct in the matter, or in the proceeding before the TRA, has been so egregious, vexatious or frivolous as to warrant an award of costs and expenses to such other party; and
 - d) give all such directions and perform all such duties as are necessary or expedient for the hearing and determination of the matter.
91. The Service Provider shall refrain from impairing or terminating the telecommunications service provided to an end-user during a *bona fide* dispute, without the prior written approval of the TRA, except that the Service Provider may in respect of a billing dispute, collect from him/her any such user amounts that are not in dispute.

6.3 Privacy and Confidentiality

92. Service Providers shall protect a consumer's reasonable expectation of privacy regarding personal information and calling patterns.
93. The consumer has the right to personal privacy, to have protection from unauthorised use of personal records and information, and to reject intrusive communications;
94. The Service Provider shall maintain the confidentiality of, and refrain from using or disclosing, any:
- a) confidential, personal and proprietary information obtained in the course of its business from any user, where such information originates from any such user;
 - b) any information regarding usage of a licensed Network or a licensed Service; or
 - c) information received or obtained in connection with the operation of a licensed Network or the provision of a licensed Service;
95. Consumers may give his or her consent to the disclosure of personal information and calling patterns.
96. Consumers have the right to bar calls to premium rate or value-added service numbers, as well as international services.

6.4 Non-Discrimination

97. The licensed Networks shall be operated, and the licensed Services shall be provided, by the Service Provider on an arm's length commercial basis with respect to the Service Provider and any and all of the bodies corporate with which it is affiliated.
98. In providing the licensed Services and transmitting communications, the Service Provider shall not discriminate unduly as between similar types of users and shall offer the licensed Services on the same terms and conditions to similar types of users.
99. The Service Provider shall not engage in anti-competitive pricing and other related practices or any other activities, whether by act or omission, which have, or are intended to or likely to have, the effect of unfairly preventing, restricting or distorting competition in any market for the licensed Services.
100. The Service Provider shall refrain from using revenues or resources from a licensed Network or licensed Service in respect of which the licensee is dominant to cross-subsidise unfairly any other telecommunications network or telecommunications service, without the prior written approval of the TRA. Upon request, the Service Provider shall make available, on a non-discriminatory basis, which may include a reasonable charge, directories or other non-confidential subscriber-related information to other persons for purposes of providing directories to their consumers.

6.5 Prices and Billing

101. TRA will encourage cost-based prices for services through the development of a competitive environment in the provision of Telecommunications Services.
102. Where TRA deems there not to be effective competition, it will regulate prices in accordance with Price Regulations.
103. Full terms and conditions as well as prices shall be communicated to all new subscribers prior to the provision of the service.
104. Prices for premium rate or value-added services shall be published wherever the service is advertised, including print and broadcast media.
105. Service Providers shall issue bills which are:
 - a) clear, establish verifiable charges in a format that can be easily compared;
 - b) complete so customers can confirm or challenge calls, payments, late charges;
 - c) contain a disclosure of the price paid (whether per minute, per second, per usage, or per capacity) for all calls and an itemised list of all Customers; and
 - d) itemised as to national and international usage, monthly subscription fees, premium rate or value-added services charges, Internet subscription and usage fees, packet-switched data services where applicable, or directory assistance fees, and such bills are provided without additional charge.
106. Telecommunications Service Providers may offer online itemised bill display, downloads and electronic bill payment.
107. Billing records shall be retained by the Service Providers for a period of up to 10 (ten) years.

6.6 Emergency Services

108. Service Providers of Basic Telephony Service shall provide access to and/or shall provide emergency telecommunications services free of charge to any customer.
109. In the event of a public emergency, Government may require the Service Provider to provide free of charge to Government or to any other person specific telecommunications services as Government reasonably determines are necessary in the public interest,
110. If such public emergency shall last for more than thirty (30) days and if a Service Provider is required to continue providing such telecommunications services beyond such thirty (30)-day period, then Service Provider may seek compensation from the Government for services provided beyond such period.
111. Consumers shall not be charged a fee for calls to Emergency services or other such services as TRA will define from time to time.

6.7 Connection to other Consumers

112. Service Providers providing Public Telecommunications Services shall ensure consumers are able to communicate with all other consumers independent of the network to which they are connected.
113. All Public Telecommunications Service Providers shall ensure that consumer calls between the networks of different Service Providers are connected and completed within the Quality of Service targets established by TRA.
114. All Public Telecommunications Service Providers shall complete and interconnect calls to emergency services expeditiously and without charge to the consumer.

6.8 Premium Charged or Value-Added Services

115. TRA may provide information to consumers about premium charged or Value-Added Services in order to guard against market abuse, fraud, false and misleading advertising, misrepresentation, or difficult to understand service charges by:
 - a) monitoring premium charged or value-added Service Providers behaviour in the marketplace;
 - b) establishing a Code of Conduct for premium charged or Value-Added Service Providers;
 - c) establishing a list of premium charged or Value-Added Service Providers that fail to abide by the Code of Conduct;
 - d) withdrawing the Licence of repeat offenders of the Code of Conduct for premium charged or Value-Added Service Providers; and
 - e) imposing fines and penalties on premium charged or Value-Added Service Providers for fraud, false and misleading advertising, or misrepresentation of fact.
116. TRA will display openness, fairness, and impartiality when dealing with individuals or companies involved in the provision of premium rate or value-added services.

6.9 Health and Safety

117. TRA will maintain a Type Approval regime for all telecommunications equipment which connects directly to telecommunications network, and all intentional emitters of electromagnetic radiation (radio waves). Such equipment shall be referred to collectively as Radio and Telecommunications Terminal Equipment (RTTE).
118. The Type Approval regime will ensure that RTTE does not cause harm to the general public or staff working on public telecommunications networks.
119. TRA will advise the public to the best of its ability and based on the most current research on the subject from time to time as to the hazards of available telecommunications equipment, devices and instruments.

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7 Quality of Service and Network Performance

120. The TRA will publish on an annual basis target levels for a defined set of QoS and network performance parameters.
121. The Target set of Quality of Service and network performance parameters may change in scope from year to year and the target parameters may vary in degree from time to time as TRA, after due consultation, based on new telecommunications technology and/or research performed by the TRA or any other recognised national or international technical research institute. The parameters are to include, but shall not necessarily be limited to, the:
 - a) supply time for connection;
 - b) fault rate and fault repair time per access line;
 - c) call set up time;
 - d) response time for Service Provider services and inquiries;
 - e) billing accuracy;
 - f) unsuccessful call ratio;
 - g) average throughput for several data services categories (browsing, ftp, etc.)
 - h) proportion of public telephones out of service.
122. During any regulatory period determined by TRA the service provider's performance should be reviewed annually based on monthly reporting and compared to the baseline performance standards for each QoS item. If service quality has deteriorated, the plan must include pre-set penalties of two types: customer-specific credits and a reduction in allowable earnings.
123. TRA may impose upon Telecommunications Service Providers with deteriorating Quality of Service indices mandatory Quality of Service improvements and fines for failure to meet the Quality of Service requirements within the timeframe stipulated by the TRA.
124. TRA will issue Quality of Service Guidelines.

List of Abbreviations

CPE	Customer Premises Equipment
CPL	Consumer Protection Law
ICAU	Information and Consumer Affairs Unit
LLU	Legal and Licensing unit
QoS	Quality of Service
RTTE	Radio and Telecommunications Terminal Equipment
SMP	Significant Market Power
TRA	Telecommunications Regulatory Authority
TTU	Telecommunications Technology Unit
UA	Universal Access
US	Universal Service
VPNs	Virtual Private Networks

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