

REPORT

**Report on the Consumer Advisory Group Recommendations on the Code of Practice
for Carrier Pre-Selection**

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**A Report issued by the
Telecommunications Regulatory Authority
29 November 2005**

Purpose: To provide feedback on the comments received with regard to the Consumer Advisory Group Recommendation on the Code of Practice for Carrier Pre-Selection, submitted to the TRA on 8 May 2005



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1 Introduction

On May 8, 2005, the Telecommunications Regulatory Authority ("TRA") published the recommendation ("Recommendation") submitted by the Consumer Advisory Group ("Group") on the Code of Practice ("Code") for Carrier Pre-Selection ("CPS") for the public to comment on. The Recommendation listed suggested aspects that the Code should address. These aspects were: order handling process, provision of service to the subscriber, billing and tariff presentation, subscriber application form, complaints handling and enquiries, promotion of CPS, unauthorised provisioning of CPS, and use of subscriber information. In addition, the Recommendation included definitions of terms used and three appendixes: subscriber application form, inter-Carrier timing process summary and flow chart.

The TRA received comments on 29 May 2005. Responses were received from 3 parties: Batelco, Viacloud and Kalaam. These responses included many useful comments.

This report summarises the material input received, discusses it where necessary and sets out the Authority's position, highlighting any actions that are taken.

Together with this report, the Authority has issued the Final Code of Practice for Carrier Pre-Selection, which includes all aspects that need to be dealt with to ensure a healthy environment with respect to Carrier Pre-Selection in general. It should be noted that the numbering of the clauses in the final Code of Practice for Carrier Pre-Selection does not correspond to the numbering in the Recommendations due to the changes that were introduced to the former.

1.1 Scope

This report has no purpose other than that of publishing information.

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2 The TRA's comments on the Recommendation

2.1 General modifications

The TRA adopted the Recommendation as the basis for the Code, since it covered the majority of the required aspects. However, modifications and changes were applied when drafting the Code as needed.

Some of the wording and vocabulary used in the Recommendation differed from the Regulation for Carrier Pre-Selection ("Regulation") and the Telecommunications Law. Therefore, to ensure consistency, the TRA used the terms defined in the Regulation for preparing the final Code.

2.2 Definitions

- Definitions of the following terms were added to the Code:
 - Service Address
 - Billing Address
 - Pre-Selected Service
 - Winback Call
 - Winback Attempt
- The definition of the term (Working Hours) was modified to further clarify the term.
- The term (Electronic Transfer) was removed since it is not used in the Code.
- The phrase "in the Kingdom of Bahrain" was added to the definition of (Losing Operator) and (Gaining Operator) to specify that the service is provided in the Kingdom of Bahrain and not elsewhere.

2.3 Order Handling Process

Clause 1.3(c) of the Recommendation : *“state the duration of the contract ((which should not exceed (3) three months)) and how the Subscriber can terminate the contract”*

The TRA considered that this clause could cause misunderstandings in relation to the concept addressed. Therefore, the clause was modified to clarify any ambiguity.

Clause 1.8 of the Recommendation : *“A fixed charge must be set between the Providing Carrier and Pre-Selected Operators according to the Regulation to carry out a change in pre-selection. No extra charges must be*

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billed to the Subscriber for technical or any other difficulties faced by the Providing Carrier. A change request must not be rejected due to technical difficulties. Instead, the Subscriber must be informed of any delays or difficulties in processing the change request. The request must not be used by the Providing Carrier to supply other facilities or services for which the Subscriber may incur extra charges."

This clause was divided into three parts, and the first was merged with clause 1.9 to enhance readability. The other two were introduced separately in two different clauses as each part addresses a different topic.

2.4 Billing & Tariff Presentation

Clause 3.5 of the Recommendation: *"In the event of any changes to tariffs or discount schemes, the Subscriber must be informed in writing about the same, clearly and accurately, at least one month before the intended change is to be effected."*

This clause was modified to address changes in tariffs that may negatively impact subscribers instead of addressing all changes.

2.5 Subscriber Application Form (SAF)

Clause 4.1 of the Recommendation: *"The SAFs of the Subscriber must be retained by the gaining Operator for the period of the contract or until the contract is terminated, whichever is the earlier, then at least 6 months thereafter."*

This clause was removed because the Regulation deals with keeping records of the requests in section 5 of the Regulation.

Clause 4.4.1 of the Recommendation: *"Operators must maintain statistics with respect to SAFs on the number of requests; the performance of the Operator in relation to the time frames in which the Operator responds to requests; and the number of unsatisfied requests".*

This Clause was removed as it falls out of the Code's scope.

2.6 Use of Subscriber Information

Clause 8.4 of the Recommendation: *"A Losing Operator may release part or all of the concerned Subscriber's information to the Gaining Operator or Providing Carrier, which is always subject to any related provisions relating to the protection of personal data."*

This clause was removed as it was in conflict with the preceding clause with respect to data privacy issues.

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2.7 Appendix 2

The maximum period for escalation of a rejected request was determined as 15 working days. The timeframe was set in light of the timeframe of previous steps that the process went through.

Issues related to inter-operator escalation were removed since they fall out of the scope of the Code.

2.8 Appendix 3

The headings of the columns: "Advice to" and "Pre-Selection Status" where respectively amended to : "Operator Managing the Change to notify" and "CPS offered by (after completion of process)".

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3 Material responses received

This section of the report illustrates the comments received on the Recommendation and, where appropriate, the position proposed by the Authority. A discussion of points raised and reconsideration of relevant issues in the light of comments received is also provided.

3.1 Introduction

A respondent suggested that the TRA conducts a meeting with the Group to create the Code.

TRA's position: The TRA notes the comment. The role of the Group is clear in the Regulation (clause 7.4), where the Group is established to provide input for the Code. According to clause 7.5 of the Regulation, the TRA is responsible for issuing and enforcing the Code. Nevertheless, the TRA welcomes any further discussions and/or meetings with the Group when needed.

3.2 Definitions

A respondent requested the definitions of the following terms used in the Code:

- Cooling-off Period
- Up Front Charge
- CAF (the term was not explained in the Recommendation)
- FO (the term was not explained in the Recommendation)

TRA's Position: The TRA notes the concern and defined the term "Cooling-off Period". As for the other three, while preparing the final code, the TRA rephrased the terms to be consistent with the rest of the document and the Regulation. "CAF" and "FO", as featuring in the appendix, were changed to "SAF" (Subscriber Application Form) and "Providing Carrier" respectively. The clause that includes the term "up front charges" was modified as a whole, and consequently the term was not included in the final Code.

3.3 Order Handling Process

(a) Clause 1.1 of the Recommendation: *"The CPS Process should follow the Regulation, as amended from time to time by the TRA."*

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A respondent commented that any amendments to the Regulation could cause the Providing Carrier to spend time and resources in order to meet the requirements of the amended Regulation.

TRA's Position: Amendments to the Regulation would only be made after a public consultation process, and would take into account all comments received from respondents, as well as allowing adequate time for the implementation of any changes to the Regulation regarding operators. It is essential to point out that the Code does not replace the Regulation. The purpose of the code is to further address issues related to subscribers with respect to CPS, while maintaining consistency with the Regulation.

(b) Clause 1.3–(c) of the Recommendation: *“state the duration of the contract ((which should not exceed (3) three months)) and how the Subscriber can terminate the contract”*

A respondent recommended that this clause should be amended to include an obligation to ensure continuous telecommunications service in the event of termination of CPS service. As well as requiring the operator offering the CPS service to inform the Providing Carrier within 5 working days of the termination.

TRA's Position: The TRA notes the comment and the Code deals with it as a Pre-Selected Operator's obligation.

(c) Clause 1.5 of the Recommendation: *“Both the Losing Operator and the Gaining Operators should process any SAF according to the process map at Appendix 2 and the flowchart at Appendix 3 to this Code.”*

A respondent pointed out that breach of the Code may lead to enforcement action under an Operator's license. The respondent was also concerned about the fact that, as per the CPS Regulation, any breach of the Code will be treated as a breach of the license.

TRA's Position: The TRA notes the concern. The deadlines in Appendix 2 and 3 were amended to comply with deadlines stated in the Regulation.

3.4 Provision of Services to the Subscriber

(a) Clause 2.1 (a) of the Recommendation: *“When a Subscriber contacts a Providing Carrier for CPS, the Subscriber must be:*

(a) informed that he/she has the option of choosing a Pre-Selected Operator; and must be advised that a failure to make a choice of Pre-Selected Operator will result in the Providing Carrier providing the pre-selectable service. If the Subscriber enquires about the available choices of Pre- Selected Operators the Subscriber must be directed to the location where such information is available”

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A respondent commented that it is the responsibility of Pre-Selected Operators, and not the Providing Carrier, to inform subscribers of the choices they may have.

TRA's Position: The TRA notes the comment. The Recommendation in this regard is in line with clause 2.3 of the Regulation. When approached, the Providing Carrier must lead the subscriber to the source of such information. The Code states where customers should be directed to, in order to get the necessary information on CPS providers.

- (b) Clause 2.1 (b) of the Recommendation:** *“When a Subscriber contacts a Providing Carrier for CPS, the Subscriber must be:*
(a) informed whether his/her choice of Pre-Selected Operator is capable of providing the CPS services in the area in which the Subscriber request service. If the Pre-Selected Operator chosen by the Subscriber does not provide the CPS services the Subscriber requests for, then the Providing Carrier must inform the Subscriber of this fact and that the Providing Carrier will provide the pre selected service if the Subscriber does not make an alternative choice”

A respondent stated that the Providing Carrier will not possess the information on the availability of the service in a certain area, and therefore will not be able to comply with this clause.

TRA's Position: The TRA notes the comment and took into consideration the capability of the Providing Carrier. Therefore, this clause is amended to include the source of the required information, in order for the Providing Carrier to lead subscribers to such information when approached.

- (c) Clause 2.2 of the Recommendation:** *“The Subscriber may change a Pre-Selected Operator at any time by providing a new change request and a valid SAF. The gaining Operator must notify the Providing Carrier of the Subscriber's request to change pre-selection to carryout the necessary connection changes. The Providing Carrier must notify both, the gaining and the losing Operators as well as the Subscriber of the completion date.”*

A respondent stated that this clause imposes an additional obligation on the Providing Carrier, which was not stated in the Regulation.

TRA's Position: The TRA notes the comment. The clause is amended to limit the obligations of the Providing Carrier to the extent stated in the Regulation.

- (d) Clause 2.3 (b) (i) of the Recommendation:** *“if the Subscriber's telephone number at the new address changes as the result of the move, then:*
(i) if the same Pre-Selected Operator is capable of providing CPS at the new address, then the Providing Carrier must set selection to the existing Pre-Selected

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Operator and inform Pre-Selected Operator of change of telephone number and address of the Subscriber within a maximum period of two Working Days”

A respondent stated that this clause imposes an additional obligation on the Providing Carrier, which was not stated in the Regulation.

TRA's Position: The TRA notes the comment. As per the clause, there might be extra cost involved if the number is changed. Therefore, the Providing Carrier must notify the Subscriber clearly of potential additional charges. In such a case, the issue would fall out of the scope of CPS service provisioning, and would thus fall out of the Code's scope. Hence, no changes are imposed on the clause in this regard. The TRA has also amended the maximum period allowed in this clause to be the same as the period allowed for CPS provisioning(10 working days), since the two processes are similar.

e) Clause 2.4 of the Recommendation: *“As per Article 4.10 of the Regulation, "The cancellation of an order in progress shall follow the same route as the original order.”*

A respondent pointed out that this clause restates the CPS Regulation and is superfluous.

TRA's Position: The TRA agrees with the comment and, therefore, the clause is modified to tackle the relevant obligation of the Pre-Selected Operator to notify the Providing Carrier of the termination of service.

f) Discriminatory service: A respondent raised the issue of discriminatory maintenance service being provided to subscribers with CPS service from the Providing Carrier.

TRA's Position: The TRA considers this as a useful point to be included in the Code. Therefore a clause addressing the matter is added to the Code under "Provisioning of the Service".

3.5 Billing & Tariff Presentation

Clause 3.3 the Recommendation : *“The Providing Carrier must inform the current Pre-Selected Operator of any changes in the billing address of the Subscriber within a maximum period of two Working Days.”*

A respondent commented that this clause imposes obligations on the Providing Carrier over and above those set down in the Regulation, and that the Providing Carrier would need a reasonable amount of time to develop and cost these requirements.

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TRA's Position: The TRA notes the comment and agrees that the clause imposed an unreasonable obligation on the Providing Carrier. Therefore, the clause was removed from the final code.

3.6 Subscriber Application Form (SAF) Rules

Clause 4.2 of the Recommendation: *“The gaining Operator shall provide a true copy of the SAF within a period of two Working Days in the event that the same has been requested by either a losing Operator or Providing Carrier in pursuance to a complaint being lodged by the Subscriber pertaining the SAF.”*

A respondent commented that this clause was not part of the Regulation and that the Group should reconsider this requirement.

TRA's Position: The TRA notes the comment. However, since the clause does not contradict the Regulation and will lead to addressing complaints with greater efficiency, the TRA retains the clause in the Code.

3.7 Complaint Handling and Enquiries

Clause 5.3 of the Recommendation: *“Each Carrier Pre-selection Operator must provide a facility which allows its Subscribers to check their pre-selection status via a no charge telephone call.”*

A respondent commented that this clause was not part of the Regulation and that the Group should reconsider this requirement.

TRA's Position: The TRA notes the comment. However, as the clause does not contradict the Regulation and pertains to a right of subscribers, the TRA retained the clause.

3.8 Promotion of CPS:

Clause 6.6 of the Recommendation: *“An attempt to win back a Subscriber can only be made once by the losing Operator during the ten Working Days cool off period. The Regulation at Article 5.8 states that this unsolicited contact should be in the form of a telephone call. Further unsolicited contact with the Subscriber can only be made after three months have elapsed following Providing Carrier's notification.”*

A respondent requested clarification on this clause, while another respondent suggested that the Gaining Operator should not have to pay fees if a change request is aborted as a result of a Winback call.

TRA's Position: The TRA notes the comments. The clause is modified to clarify any ambiguity it contains. However, the Code does not address the charges and agreements between operators, as such matters fall out of the Code's scope.

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3.9 Use of Subscriber Information

Clause 8.3 of the Recommendation: *“Operators must release available Subscriber information to the extent permitted by law, when a written request is submitted by the concerned Subscriber within five Working Days of receiving the request. The concerned Subscriber will have the right to forward the released information to another Operator or other third party.”*

A respondent requested more information on what information must be made available under this clause, and enquired whether this information includes calling patterns and payment behavior.

TRA's Position: The TRA notes the concern. However, as disclosure of such information is subject to the subscriber's consent, the TRA does not consider this to be an issue.

3.10 Appendix 1 of the Recommendation

A respondent commented that the recommended Subscriber Application Form does not match the one already developed by the respondent.

TRA's Position: The TRA notes the comment. However, the Subscriber Application Form (SAF) is one of the issues that have direct impact on subscribers and it falls within the remit of the Code. All operators are required to comply with the Code, and hence should comply with the SAF as described in the Code.

3.11 Appendix 2 of the Recommendation

A respondent commented that the periods mentioned in this Appendix are not consistent with the Regulation.

TRA's Position: The TRA notes the comment and agrees that the timeframes should be consistent with the Regulation. The timeframes in the Code was amended accordingly.

The TRA amended the timeframes for the change of service address process to be the same as the provisioning process (10 working days).

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4 Conclusion

Having considered the received comments on the Recommendation, and following internal review, the TRA, in parallel with this report, issued the Code.

The TRA will review the Code once CPS is operational in Bahrain for a period of at least 6 months. The public and industry will be given the opportunity to provide the TRA with their feedback on the Code.