

CODE OF PRACTICE

Code of Practice on Carrier Pre-Selection

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A Code issued by the

Telecommunications Regulatory Authority

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Code of Practice for Carrier Pre-Selection

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1 Introduction

The Telecommunications Regulatory Authority (TRA) published Regulation 1 of 2004 on Carrier Pre-Selection (“the Regulation”) on 13 June 2004, pursuant to its powers under section 3 of the Telecommunications Law to mandate the basis for implementation of Carrier Pre-Selection in the Kingdom of Bahrain.

Article 7 of the Regulation states that operators who provide Carrier Pre-Selection must adhere to the terms of a Code of Practice (“the Code”) to be issued by the TRA.

This Code is issued by the TRA under clause 7.5 of the Regulation.

In accordance with clauses 7.7 and 7.8 of the Regulation, reports of any breaches of the Code will be posted on the TRA’s website and such breaches will be treated by the TRA as breach of license.

This Code is subject to any necessary future updates.

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2 Definitions

Any word, phrase or expression used in this Code shall, unless it is expressly defined herein or the context requires otherwise, have the same meaning as in the Carrier Pre-Selection Regulation, and the terms below shall have the following meanings for the purposes of this Code only:

Business Subscriber: Any natural person or other legal entity identified by a Commercial Registration number that is party to a contract with a Public Telecommunications Operator for the supply of Telecommunications services.

Individual Subscriber: Any natural person (identified through an assigned Central Population Registration (CPR) number who is party to a contract with a Public Telecommunications Operator for the supply of Telecommunications services

Billing Address: The address to which a Subscriber's billing statement is mailed, regardless of the Service Address.

Cooling-Off Period: The period of ten (10) working days, starting from the date a Losing Operator receives a SAF, during which the Subscriber has the right to cancel the contract without penalty.

CPR: Central Population Registration number; the personal identification number used in the Kingdom of Bahrain.

CPS: Carrier Pre-Selection

CPS Process: The procedures prescribed by the Regulation by which a Subscriber shall designate its choices of Pre-Selected Operator(s) to provide its National Telecommunications Services and/or International Telecommunications Services

CPS Service: A service by way of which a Subscriber shall designate his/her choice of Pre-Selected Operator(s) for the provision of National Telecommunications Services and/or International Telecommunications Services.

CR: The certificate of registration of a natural person or other legal entity issued by Ministry of Commerce and Industry of the Kingdom of Bahrain pursuant to the Commercial Companies Law (Legislative Decree No. 21 of 2000).

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- Gaining Operator:** The Operator chosen by the Subscriber to provide CPS Service in the Kingdom of Bahrain.
- Losing Operator:** The Operator that used to provide CPS Service in the Kingdom of Bahrain to the Subscriber, prior to the Subscriber's decision to switch to the Gaining Operator.
- N/A:** Not Applicable.
- Operator:** A licensed telecommunications operator in the Kingdom of Bahrain.
- Pre-Selected Operator:** The telecommunications Operator other than the Providing Carrier, who is licensed to provide national telecommunication services and/or international telecommunication services and has been selected by a Subscriber at any given time as that Subscriber's national telecommunications services provider and/or international telecommunication services provider.
- Providing Carrier:** An Operator of a fixed telecommunications network that has been determined by the TRA to have significant market power with respect to national or international telecommunications services markets.
- Regulation:** Regulation 1 of 2004, being the Carrier Pre-Selection Regulation dated 13 June 2004 issued by the TRA.
- SAF:** **S**ubscriber **A**pplication **F**orm, being the "Change Request", as defined in the Regulation, delivered to the Gaining Operator, the Losing Operator or the Providing Carrier, by way of which the Subscriber requests the provision or the cancellation of any CPS service.
- Service Address:** The location of the telecommunications equipment to which a Subscriber's call is charged and from which the call originates or terminates, regardless of the location to which the bill for the call is sent or the location from which the payment of the bill is received.
- Subscriber:** Any person or entity that is party to a contract or other similar arrangement that is in force with a Providing Carrier for the supply of a telecommunications service.
- TRA:** **T**elecommunications **R**egulatory **A**uthority of the Kingdom of Bahrain.

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- True Copy:** Authenticated copy of an original document.
- Upfront Charge:** Any initial fee which a Gaining Operator may charge Subscribers for providing a Carrier Pre-Selection Service.
- Winback Attempt:** Any attempt through any means of communication by a Losing Operator targeted at a former Subscriber who has selected to switch to a Gaining Operator, in order to win back or persuade the Subscriber to cancel the switch within the Cooling-Off Period.
- Winback Call:** A call made within the Cooling-Off Period by a Losing Operator to a former Subscriber who has switched to a Gaining Operator, in order to win back or persuade the Subscriber to stay with the Losing Operator.
- Working Day:** Any day from Saturday to Wednesday (inclusive) other than a day declared a public holiday in the Kingdom of Bahrain.
- Working Hours:** Hours when Operators are open for business.

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3 Order Handling Process

- 3.1 The CPS Process should comply with the Regulation, as amended by the TRA periodically.
- 3.2 Each Operator should request the Subscriber's original CPR, CR or any equivalent identification card to verify the Subscriber's identity and retain a copy of it. The Operator should keep this copy for as long as the Subscriber is a client of the Operator and for a minimum of six months after the Subscriber has ended his/her contract with the Operator.
- 3.3 A written contract must be established between the Subscriber and the Operator offering the CPS service. The contract must:
- (a) be available in bilingual form (Arabic/English) and written in clear, understandable language;
 - (b) set out the maximum period required to provide the CPS service to the Subscriber. The maximum period must not exceed ten (10) working days, as per the Regulation. If the service is provided to the Subscriber before the end of the Cooling-Off period, the Subscriber has the option of terminating the CPS Service at no cost except for any call charges incurred;
 - (c) state the minimum duration of the contract (the minimum duration should not exceed three (3) calendar months for individual Subscribers and twelve (12) calendar months for business Subscribers) and state clearly any penalties incurred if the Subscriber chooses to terminate the contract prior to the end of the minimum duration;
 - (d) state the procedure that the Subscriber needs to follow when he/she wishes to terminate the contract;
 - (e) state the Upfront Charge, if any, and the tariffs, payment options and billing frequency;
 - (f) state adequately the process through which the Subscriber will be informed of any changes to the contract, especially in cases of:
 - degradation in the quality of service;
 - increase in tariffs; and/or
 - elimination of an agreed service.

A minimum of one (1) calendar month's notice should be given before the above-mentioned changes come into effect. During this notice period, the Subscriber shall have the right to terminate the contract without penalty;

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- (g) clearly describe the CPS Service to be provided and set out compensation or refund arrangements for those cases where the service-level commitments, as determined by the TRA, are not met;
 - (h) include a customer service contact number, the Operator's Working Days and Working Hours, and explain the procedure for resolving any dispute;
 - (i) clearly set out the conditions under which the Operator can terminate a contract with the Subscriber (e.g. for continuous non-payment);
 - (j) state the cases in which calls will go back to the Providing Carrier, e.g. instances of inserting an override code or emergency calls;
 - (k) include the SAF as set out in Appendix 1, signed by the Subscriber. The Subscriber should be able to retain a copy upon request; and
 - (l) should not contain any reference to promotions or incentives.
- 3.4 Operators should not misuse problems arising in the order handling process to denigrate the service of other Operators. They should not mislead the Subscriber as to who is responsible for any delay. The Losing Operator should not seek, as part of the order handling process, to convince the Subscriber to cancel the switch, except as permitted by clause 8.6 of this Code.
- 3.5 The Losing Operator, Providing Carrier and Gaining Operator should use all reasonable endeavours to process any SAF according to the Inter-Operator Timing Process Summary in Appendix 2 and the Process Table in Appendix 3 of this Code.
- 3.6 If a Subscriber authorizes more than one Pre-Selected Operator for the same service (International Telecommunications Service and/or National Telecommunications Service), only the most recent authorization is considered valid.
- 3.7 In accordance with Article 5.1 of the Regulation, the Providing Carrier must support continuity of primary telephone services for the Subscriber during the switchover.
- 3.8 A fixed charge must be set between the Providing Carrier and Pre-Selected Operators, according to the Regulation, in order to carry out a change in pre-selection such as:
- (a) line replacement or upgrades;
 - (b) the addition of new or the enhancement of existing telecommunications services which are not CPS services;

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- (c) the addition, relocation, replacement or upgrading of Subscriber proprietary equipment;
- (d) the upgrading or extension of Subscriber cabling connected to the pre-selected line, including new extensions;
- (e) a change in the Subscriber's telephone number applicable to the pre-selected line.

No extra charges must be billed to the Subscriber for the above-mentioned modifications, enhancements and changes.

- 3.9 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.
- 3.10 A Subscriber Application Form must not be used by Operators for the introduction of other services/features without the Subscriber's consent, i.e., for the provision of services other than those agreed on in the Change Request, which may result in extra charges.

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4 Provision of Services to the Subscriber

- 4.1 When a Subscriber contacts a Providing Carrier with a specific request for a CPS Service, the Subscriber must be informed that he/she has the option of choosing a Pre-Selected Operator. The Subscriber must also be advised that failure to make a choice of Pre-Selected Operator will result in the Providing Carrier providing the Carrier Pre-Selection Service. If the Subscriber enquires about the available choices of Pre-Selected Operators, he/she must be directed to the CPS Operators section on the TRA website, www.tra.org.bh, where such information is available. Alternatively, the Subscriber should be invited to call the Consumer Affairs Directorate at the TRA on telephone number 17520044.
- 4.2 The Subscriber may change its current Pre-Selected Operator at any time by providing a valid SAF. In accordance with clause 4 of the Regulation, when the Subscriber makes a request to a Gaining Operator, the Gaining Operator must notify the Providing Carrier of the Subscriber's request to change pre-selection, in order for the Providing Carrier to carry out the necessary changes. When the Subscriber makes a request to the Providing Carrier, the Providing Carrier must notify the Gaining Operator of the request to change Pre-Selected Operator.
- 4.3 If the Subscriber changes service address, he/she must forward the request of change of service address to the Providing Carrier. The Providing Carrier should follow one of the following procedures:
- (a) if the telephone number at the new address remains the same as the old telephone number, then the Providing Carrier must set pre-selection to the same Pre-Selected Operator which provided the Subscriber with CPS services at the old service address;
 - (b) if the Subscriber 's telephone number at the new address changes as a result of the move, then:
 - (i) if the existing Pre-Selected Operator is capable of providing CPS at the new address, then the Providing Carrier must set pre-selection to the existing Pre-Selected Operator, and inform the Pre-Selected Operator of the change of telephone number and address of the Subscriber within a maximum period of ten (10) Working Days from the date the new number is operational;

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- (ii) if the existing Pre-Selected Operator is not capable of providing CPS Service at the new service address, then the Providing Carrier must set pre-selection to itself as Gaining Operator and notify the previous Pre-Selected Operator of the change in CPS status. The Providing Carrier must also notify the Subscriber that CPS Services will be provided by the Providing Carrier, due to the inability the Pre-Selected Operator chosen by the Subscriber to provide CPS Service at the new service address. In this case, the Subscriber has the option of submitting a Subscriber Application Form for another Pre-Selected Operator to provide the CPS Service at the new address.
- 4.4 If the Subscriber terminates the CPS Service with the Pre-Selected Operator, the Pre-Selected Operator must notify the Providing Carrier within five (5) Working Days of the Subscriber's terminating the CPS Service.
- 4.5 There should be no degradation in the average service levels of the services provided by the Providing Carrier when CPS Service is implemented for the Subscriber.
- 4.6 Each Pre-selected Operator must provide a facility which allows its Subscribers to check their pre-selection status via a no-charge telephone call.

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5 Billing & Tariff Presentation

- 5.1 Prior to signing the contract, the Pre-Selected Operator should inform the Subscriber of at least the following in relation to billing and bill payments:
- the frequency of billing; and
 - the number of days or the period of time allowed for settling bills, and the available methods of payment.
- 5.2 The Pre-Selected Operator should inform the Subscriber clearly about the action it will take with regard to unpaid bills.
- 5.3 Before the contract is signed by the Subscriber, the existing tariffs and any discount schemes must be explained clearly and accurately by the Pre-Selected Operator to the Subscriber.
- 5.4 In the event of any increments in tariffs, the Subscriber must be informed in writing about such increments, clearly and accurately, within a minimum period of one month before the intended change comes into effect.
- 5.5 In the event of the Subscriber terminating the service after the minimum period of the contract, the Pre-Selected Operator must not impose any penalties on the Subscriber. However, the Pre-selected Operator can charge the Subscriber for the outstanding amount and/or any call charges incurred.

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6 Subscriber Application Form (SAF)

- 6.1 If the Subscriber lodges a complaint pertaining to the SAF to the Providing Carrier or the Losing Operator:
- a) The Gaining Operator must provide a True Copy of the SAF within a period of two Working Days, if the same has been requested by either a Losing Operator or Providing Carrier;
 - b) Only the Losing Operator or Providing Carrier may request a True Copy of an SAF. Such requests must be obtained as a result of a Subscriber's enquiry in a matter relating to CPS services being supplied to the Subscriber.
- 6.2 The Gaining Operator must provide access to the original SAF if the copy duly supplied does not reasonably satisfy the Subscriber or the requesting Operator.
- 6.3 Subscriber data confidentiality is very important, and the Subscriber information on the form should not be used by Pre-Selected Operators for reasons other than in connection with CPS.
- 6.4 If the Subscriber authorises a representative to fill out an SAF and follow up on the process, a written acknowledgement signed by the subscriber must be enclosed with the SAF.

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7 Complaint Handling Process

- 7.1 Subscribers must be fully informed who they can contact, and when, in case of faults and/or queries. It is the responsibility of the service provider (Providing Carrier / Pre-Selected Operator) to ensure that the Subscriber has the contact details. The call rates, if any, for lodging complaints and/or making queries must be printed on the contract and the Subscribers' bills. Subscribers must not be charged at a premium rate for such calls.
- 7.2 If a Subscriber contacts the Providing Carrier regarding a problem with a CPS service provided by another Operator, the Providing Carrier must advise the Subscriber to call his/her Pre-Selected- Operator directly to report the problem.

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8 Promotion of CPS

- 8.1 Promotion of CPS must be fair, competitive, and based on mutual respect between Operators. Therefore, an Operator must ensure that it neither misleads the Subscriber about another Operator or one of its services/products, nor gives information to denigrate a competitor or one of its services/products.
- 8.2 An Operator must have substantiation for all objectively ascertainable facts that it publishes in connection with the promotion of CPS. Such substantiation must be maintained for the period recommended by the TRA, and should be available on request. The TRA has the right to monitor and review this material whenever it considers necessary.
- 8.3 Details of a promotion must be accurate and all related conditions and durations must be clearly stated. Offers that contain comparative information must be true. Operators must maintain records to prove that promotions and offers are true and correct.
- 8.4 Promotional material and offers must be presented carefully, clearly, honestly, and advertised in a manner that does not mislead the Subscriber about the Operator, the service/product advertised, or any other Operator or service/product. The Operator must not attempt to mislead the Subscriber directly, or implicitly, by omissions, ambiguity, exaggeration, or by any other method.
- 8.5 Contracts and forms must be used solely for their primary purposes and should not be used to promote products or services, or advertise for prizes or contests.
- 8.6 In accordance with clause 5.8 of the Regulation, a Winback Attempt can only be made through a single Winback call by the Losing Operator during the Cooling-Off Period. Further unsolicited contact with the Subscriber can only be made after three months have elapsed from the completion of the Subscriber's change request. Operators must not carry out any cancellations of Change Requests, unless the Subscriber follows the procedure for requesting cancellation as illustrated in clause 4.10 of the Regulation and section 4 and appendix 2 of this Code.

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9 Unauthorized Provision of CPS

- 9.1 Operators are required by clause 4 of the Regulation to refrain from unauthorized provisioning of CPS in any form whatsoever.
- 9.2 Operators should report any suspicion of an unauthorised provisioning of CPS Service to the Gaining Operator that resulted from the unauthorised provisioning. All Operators who are involved in the unauthorized provisioning shall use their best endeavours to resolve the matter. Once the matter is resolved, the Gaining Operator shall instruct the Providing Carrier to restore the Subscriber's service to the status previous to the unauthorized provisioning.
- 9.3 If any complaint(s) concerning incident(s) of illegal provisioning of CPS cannot be resolved in accordance with section 9.2 of this Code, or within ten Working Days of the Gaining Operator receiving a report as per clause 9.2 of this code or a complaint regarding unauthorised provisioning of CPS, the Operator claiming loss as a result of the suspected illegal provisioning of CPS Services has the option of requesting the TRA to recommend a single arbitrator to rule on the complaint. The decision of the arbitrator shall be final and binding to the parties.

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10 Use of Subscriber Information

- 10.1 Operators must utilize Subscriber information in a manner that protects the Subscriber's privacy, based on the enforcement of current and future laws and regulations issued by the government of the Kingdom of Bahrain or the TRA.
- 10.2 The Operator must enforce all measures designed to safeguard the confidentiality of a Subscriber's personal details, such as names, addresses, telephone numbers, calling patterns and telephone bills. The utilization or disclosure of such information must be limited to the extent that this is required for providing the CPS Service, or is used to supply information for telephone directories.
- 10.3 Operators must release available Subscriber information when a written request is submitted by the Subscriber within five (5) Working Days of receiving the request. The request must explicitly identify the information to be released and Operators are not allowed to release any other information than what is requested by the Subscriber.

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APPENDIX 1

SUBSCRIBER APPLICATION FORM (SAF)

1. The form should be available in both Arabic and English, and it is at the Subscriber's discretion to choose the language for filling in the form.
2. The front of the form should include the following:
 - (a) Subscriber details, which should include, but not necessarily be limited to, the following: title (if applicable), full name or business name, ID number (CPR) or Commercial Registration number (CR), address of the location where the service is to be provided (Service Address), and correspondence address for billing (Billing Address);
 - (b) Details of the services to be provided by the Pre-Selected Operator (whether national, international or both);
 - (c) Telephone number to which CPS will be provisioned;
 - (d) Subscriber's authorization (signature) and date of authorization;
 - (e) Details of authorized representative, if applicable in accordance with section 6.4 of this Code.
 - (f) The Subscriber's acknowledgement that he/she has been advised by the Gaining Operator that, if he/she has an existing valid agreement with another Pre-Selected Operator, there may be consequences under the existing agreement if the Subscriber changes his/her pre-selection choice.
3. A copy of the Subscriber's identification card (CPR/CR) and any other documents supplied by the Subscriber should be attached to the form.
4. The back of the form should include the bilateral agreement, stating terms and conditions in a clear, understandable, readable format with a font size not less than 10 points.

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APPENDIX 2

INTER-OPERATOR TIMING PROCESS SUMMARY

Notification	Maximum Period (All periods start from date of receipt of request, unless stated otherwise)
Completion of new CPS service connection	10 Working Days
Completion of CPS service cancellation	10 Working Days
Completion of change of service address – no change of number	10 Working Days
Completion of change of service address – change of number	10 Working Days
Submission of copy of SAF by relevant operator – as per clause 5.2 of the Code.	2 Working Days
Escalation of rejected CPS service request by Gaining Operator to the TRA	15 Working Days
Lodging of reversal request by Gaining Operator	10 Working Days from date of request from losing CPS
Correction of CPS service error by Operators	10 Working Days from date of receipt of notification of error
Completion of reversal request procedure	10 Working Days

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APPENDIX 3

Process Table – CARRIER PRE-SELECTION

Process Description	Subscriber Contacts	Change Managed by	Change Implemented by	Operator Managing the Change to notify	CPS offered by (after completion of process)
New request for CPS Service by subscriber	Providing Carrier/Gaining Operator	Providing Carrier	Providing Carrier	Gaining Operator	Gaining Operator
New request for CPS service (if not available) by subscriber	Providing Carrier	Providing Carrier	Providing Carrier	N/A	Providing Carrier
Request for change of Pre-Selection by subscriber	Providing Carrier/Gaining Operator	Gaining Operator	Providing Carrier	Gaining Operator & Losing Operator	Gaining Operator
Request for change of Service address (same telephone number) by subscriber	Providing Carrier/Current Pre-Selected Operator	Providing Carrier	Providing Carrier	Current Pre-Selected Operator	Same Operator at start of process
Request for change of Service address (new telephone number) by subscriber	Providing Carrier/Current Pre-Selected Operator	Providing Carrier	Providing Carrier	Current Pre-Selected Operator	Same Operator at start of process, if possible. If not, the Pre selected Operator changes - refer to clause 3.3 of the Code
Request for cancellation of service by subscriber	Providing Carrier/Current Pre-Selected Operator	Current Pre-Selected Operator	Providing Carrier	Providing Carrier	Providing Carrier