
GENERAL NOTICE

NOTICE 272 OF 2008



**THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
HEREBY PRESCRIBES REGULATIONS, IN TERMS OF SECTION 4 READ WITH
SECTION 69(3) OF THE ELECTRONIC COMMUNICATIONS ACT, (No. 36 of
2005), SETTING OUT THE MINIMUM STANDARDS FOR END-USER AND
SUBSCRIBER SERVICE CHARTERS.**

REGULATIONS SETTING OUT THE MINIMUM STANDARDS FOR END-USER AND SUBSCRIBER SERVICE CHARTERS:

SCHEDULE

1. DEFINITIONS

In these Regulations any word or expression to which a meaning has been assigned in the Electronic Communications Act No.36 of 2005 has the meaning so assigned and, unless the context otherwise requires, the following terms will have the following meanings:

“Call Failure” means a termination of ability of an electronic communications network system or element(s) / item(s) of an electronic communications network system to perform a required function as a result of the persistence of a defect.

“Complaint” means a communication lodged by an end-user or subscriber, by means of voice communication, (by telephone), post, personal visit (walk-in centres), by electronic text communication or by a combination of the foregoing media, in accordance with the licensee's complaints procedure set out in the licensee's end-user or subscriber service charter, expressing the end-user or subscriber's dissatisfaction with the standard of service rendered by the licensee.

“Dropped Call” means a call in which a radio link between the cellular customer and the cell site is broken.

“EC Act” means the Electronic Communications Act (No. 36 of 2005).

“Failure” means the inability of an item to perform a required function as a result of the persistence of a defect. **“ICASA Act”** means the Independent Communications Authority of South Africa Act (No. 13 of 2000) as amended.

“Fault” means a failure or performance so serious as to destroy the ability of a network system or some element(s) of a network system to function effectively.

“Fault Clearance” means restoration of an electronic communications network system or element(s) / item(s) of an electronic network system to optimal performance.

“Fault Report” means a communication of a fault or problem by means of voice communication (by telephone), post, personal visit (walk-in centres), by electronic text communication or by a combination of the foregoing media.

“Network Availability” means the availability of an electronic network communication service to successfully support its required function at optimal levels.

“Reliability” means the ability of a system or a component to perform its required functions under stated conditions for a specified period of time.

“Rural Area” means sparsely settled places not within reasonable reach of a town or city.

“Urban Area” means an area with an increased density of human-created structures in comparison to the areas surrounding it.

2. PURPOSE OF THE REGULATIONS

The purpose of the Regulations is to prescribe the minimum standards for end-user and subscriber service charters for different types of services.

3. SCOPE AND APPLICATION OF THE REGULATIONS

The Regulations prescribe the minimum standards for end-user and subscriber service charters applicable to all licensees.

4. ELECTRONIC COMMUNICATIONS SERVICES (ECS) AND ELECTRONIC COMMUNICATIONS NETWORK SERVICES (ECNS) LICENSEES

In terms of Subsection 69(3) of the ECA Act licensees must cater for the following:

4.1. Availability and reliability of the electronic communications network services and electronic communications services:

All licensees must ensure that the service is available as specified in their licences in 99, 9% of their actual area of coverage.

4.2. Average Time to Install and Activate Service

All ECS and ECNS licensees must attain 100% success rate within 14 days in meeting end-user and subscriber requests for service, for qualifying end-user and subscribers.

4.3. Call Failure Rate (Drop Call Rate):

The percentage of connectivity or call failure rates must not exceed 2% of all connections or calls in a month, for all electronic communications network service (ECNS) licensees.

4.4. Operator Response Time to Operator Assisted Calls:

The operator response time may not exceed 3 minutes for all operator assisted calls, directory enquiry services, call centres and other non-emergency services.

4.5 ECN Monitoring Centre

The licensees shall maintain an Electronic Communications Network Monitoring centre operating 24hrs, 7 days a week.

4.6. Fault Reports:

In terms of Sub-Section 5(b) of section 69 of the ECA all electronic communications network licensees must maintain a fault report rate not exceeding 5%.

4.7. Fault Clearance Rate / Mean Time to Repair Faults:

(a) All electronic communications network service licensees must maintain 100% Fault Clearance success rate for all reported end-user fault reports in urban areas, within three working days.

(i) 50% of reported faults must be attended to within 1 day.

(ii) 75% of reported faults must be attended to within 2 days.

(b) All electronic communications network service licensees must maintain 100% Fault Clearance success rate for all end-user reported faults in rural areas, within four days.

(i) 25% of reported faults must be attended to within 1 day

(ii) 50% of reported faults must be attended to within 2 days.

4.8. Obligation to publish information on products and services

(a) All licensees must provide their existing and prospective end-users and subscribers with comprehensive information regarding the broad range of the licensee's service offerings, packages, tariff charges, terms and conditions of service provision and complaints handling procedures.

(b) The end-user and subscriber information referred to in paragraph 4.8 (a) must –

(i) be written in plain simple language,

(ii) be provided in English ,

(iii) be provided, upon request and wherever practicable, in any other predominant official language in the area in which the licensee is operating,

(iv) distinguish one service offering from the other

(v) allow for separate charges in respect of each separate service offering and all ancillary service charges and

(vi) be made available to end-users and subscribers upon request.

4.9. Consumer Confidentiality:

Licensees must protect the confidentiality of consumer information, and in particular, must-

(a) use the information only for the purpose permitted or required,

(b) report or release that information only to the consumer or prospective consumer,

(c) only release that information to another person:

(i) when directed by the written instruction of the consumer or prospective consumer, or

(ii) when directed by an order of a court,

(iv) by the licensees' auditors for the purpose of auditing their accounts.

(v) in terms of any applicable law.

4.10. Charging, Billing, Collection and Credit Practices

(a) Licensees must clearly communicate billing processes to consumers.

(b) Licensees must provide payment procedures in their bills.

(c) Licensees must provide their end-users and subscribers with itemised billing upon request.

(d) Licensees must inform the prospective consumers at the outset that credit referencing / risk assessment will be applied.

(e) Licensees must provide a simple explanation of how the credit referencing system operates. This information must be provided in

accordance with the provisions of the National Credit Act No. 34 of 2005 and any other applicable law and/or regulation

4.11. Invoices

(1) Subscription broadcasting licensees must, upon receiving a request from a subscriber, provide the subscriber with an invoice.

(2) An invoice provided by a subscription broadcasting licensee must contain sufficient information to inform subscribers what services they are being charged for and the cost of those services.

5. COMPLAINTS PROCEDURES

5.1. General Requirements

(a) All licensees must publicise a single point of entry for all complaints to be lodged by the complainants.

(b) Licensee may respond to the complaint in any manner or format which the licensee considers appropriate in the circumstances, including, without limitation, in writing, telephonically, by e-mail, via short message services or in person.

(c) Licensees must acknowledge receipt of the complaint within three (3) days upon receipt of a complaint.

(d) Licensees must formally resolve all complaints received within 14 days.

(e) All licensees must maintain a record of all complaints they have received from their end-users and/or subscribers.

(f) A licensee must prepare six-monthly reports on complaints received and processed, copies of which must be submitted to the Authority.

(g) The reports must include:

(i) a list of all complaints that were received, within the said period,

(ii) name and surname of each and every complainant,

- (iii) a brief description of what the complaint was about,
- (iv) date on which the complaint was received,
- (v) the date on which the complaint was resolved
- (vi) the average turn-around time for resolving the complaints.
- (vii) a brief description of the response by the licensee.

5.2. Publishing licensee's Complaints Procedures

- (1) All licensees must, on a regular basis –
 - a) inform their end-users and/or subscribers about the contents of the service charter,
 - b) inform their end-users and subscribers that they may lodge a Complaint, and
 - c) inform their end-users and subscribers of the procedures for lodging a Complaint with the licensee.

6. COMPLAINTS ESCALATED TO THE AUTHORITY BY END-USERS AND SUBSCRIBERS:

6.1. General Requirements

- (a) Complainants must first give their respective licensees an opportunity to resolve their complaints before they approach the Authority.
- (b) In the event that the complainant is not satisfied with the outcome, he/she may approach the Authority for the resolution of the dispute.
- (c) In the event that a dispute is not resolved by the Authority, the dispute shall be referred to the Complaints and Compliance Committee in accordance with Section 17 (H) of the ICASA Act.

7. AMENDMENT AND REPEAL

The Authority may amend or repeal these regulations by notice in the Gazette.

8. EFFECTIVE DATE

These regulations will become effective on the day of publication.
