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GOVERNMENT NOTICE

INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**No. 1166****31 October 2008**

**THE INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA
REGULATIONS SETTING OUT THE MINIMUM STANDARDS FOR END-USER
AND SUBSCRIBER SERVICE CHARTERS.**

I, Mr, Paris Mashile, the Chairperson of the Independent Communications Authority of South Africa (the Authority) hereby publish regulations in the attached Schedule, made and approved by the Authority under section 4 read with section 69(3) of the Electronic Communications Act 2005 (Act No. 36 of 2005)



PARIS MASHILE
CHAIRPERSON

SCHEDULE

1. PURPOSE OF THE REGULATIONS

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

2. SCOPE AND APPLICATION OF THE REGULATIONS

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

3. DEFINITIONS

In these Regulations any word or expression to which a meaning has been assigned in the Electronic Communications Act, (Act No. 36 of 2005) has that meaning ascribed to it unless the context indicates otherwise.

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

“**Call Failure**” means termination of an ability of an electronic communications network system or element(s) or 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, by means of voice communication (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 and subscriber service charter, expressing the end-user’s 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 is broken.

“**Failure**” means the inability of an item to perform a required function as a result of the persistence of a defect.

“**Fault**” means a failure of performance so serious as to destroy the ability of a network system or some elements of a network system to function effectively.

“**Fault Clearance**” means restoration of an electronic communications network system or element(s) or 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.

“**ICASA Act**” means the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000);

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

“**Reliability**” means the ability of a system or a component of a system 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 within an increased density of human-created structures in comparison to the areas surrounding it.

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

Licensees must, as contemplated in terms of section 69(3) of the Act, cater for the following:

4.1 Availability and reliability of the ECNS and ECS services

All licensees must ensure that the service is available as specified in their licences for **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 fourteen (14) days in meeting end-user and subscriber requests for service, for qualifying end-users and subscribers.

4.3 Call Failure Rate including 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 licensee must maintain an Electronic Communications Network Monitoring Centre, operating 24hrs, seven days a week.

4.6 Fault Repair Services

All electronic communications network licensees must maintain a fault repair rate which must not exceed 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 repairs in urban areas, within three (3) 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 (4) days.

4.8 Obligation to publish information on products and services

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 as contained in the Code of Conduct regulations – Regulation No 30553.

4.9 Consumer Confidentiality

Licensees must protect the confidentiality of consumer information in accordance with the Code of Conduct regulations – Regulation No 30553 of 7 December 2007.

4.10 Charging, Billing, Collection and Credit Practices

All licensees must clearly communicate billing processes to consumers, end-user or subscriber, as envisaged in terms of the Code of Conduct regulations – Regulations No 30553 dated 7 December 2007.

4.11 Proof of provision of service

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

- (b) 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 designate and publicise a single point of entry for all complaints to be lodged by the complainants.
- (b) A 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 thereof.
- (d) Licensees must formally resolve all complaints within fourteen (14) days of receipt thereof.
- (e) A licensee must keep and maintain a record of all complaints received from end-users and/or subscribers.
- (f) A licensee must prepare six-monthly reports on complaints received and processed. Copies of such reports must be submitted to the Authority within one month after the end of the licensee's financial year and every six months thereafter.
- (g) The report must contain, but not limited to, statistical information on number of complaints received, number of complaints resolved, distribution of complaints across complaints categories, provinces and on complaints turn-around times.

5.2 Publishing licensee's Complaints Procedures

A licensee must, on a regular basis –

- a) Inform and explain to their end-users and/or subscribers about the contents of the service charter,
- b) inform and explain to their end-users and subscribers that they may lodge a Complaint; and
- c) inform and explain to 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:

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, through the Complaints and Compliance Committee in accordance with Section 17 of the ICASA Act, for the resolution of the complaint.

7. OFFENCES AND PENALTIES

A person who contravenes or fails to comply with these regulations is guilty of an offence and on conviction is liable to a maximum fine of R250 000 (two hundred and fifty thousand rand) as may be imposed by the Authority, in terms of section 17H of the ICASA Act.

8. SHORT TITLE AND COMMENCEMENT

These regulations are called End-User and Subscriber Service Charter Regulations 2008 and will come into operation within six (6) months from the date of publication in the Gazette.
