
Office of Utilities Regulation

DIRECTIVE TO CABLE AND WIRELESS JAMAICA LIMITED FOR IMPLEMENTATION OF THE OFFICE OF UTILITIES REGULATION DETERMINATION NOTICE ON UNIFORM DOMESTIC DIALLING PLAN (DOCUMENT NO. TEL 2008/1 DATED JANUARY 8, 2008) AND DETERMINATION NOTICE/RECONSIDERATION DECISION ON UNIFORM DOMESTIC DIALLING PLAN (RECONSIDERATION PHASE 2 DECISION: DOCUMENT NO. TEL2009/02:RCN/01 DATED JANUARY 22, 2009)

DIRECTIVE



OFFICE OF UTILITIES REGULATION

July 19, 2011

DOCUMENT TITLE AND APPROVAL PAGE

DOCUMENT NUMBER: Tel2011001_Dir001

1. DOCUMENT TITLE:

DIRECTIVE TO CABLE AND WIRELESS JAMAICA LIMITED

2. PURPOSE OF DOCUMENT

DIRECTIVE TO CABLE AND WIRELESS JAMAICA LIMITED FOR IMPLEMENTATION OF THE OFFICE OF UTILITIES REGULATION DETERMINATION NOTICE ON UNIFORM DOMESTIC DIALLING PLAN (DOCUMENT NO. TEL 2008/1 DATED JANUARY 8, 2008 AND DETERMINATION NOTICE/RECONSIDERATION DECISION ON UNIFORM DOMESTIC DIALLING PLAN (RECONSIDERATION PHASE 2 DECISION: DOCUMENT NO. TEL2009/02:RCN/01 DATED JANUARY 22, 2009)

3. RECORD OF REVISIONS

Revision Number	Description	Date
	Initial Document	July 19, 2011

4. APPROVAL

This Directive is approved by the Office of Utilities Regulation and becomes effective on **July 20, 2011**.

On behalf of the Office:



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Hopeton P. Heron
Deputy Director General

Date: July 19, 2011

OFFICE OF UTILITIES REGULATION

DIRECTIVE

TEL2011001_Dir001

(Issued pursuant to Sections 4 and 9 of the Office of Utilities Regulation Act, 1995
(as amended))

IN THE MATTER OF:

- (1) THE TELECOMMUNICATIONS ACT, 2000
- (2) OFFICE OF UTILITIES REGULATION ACT, 1995 (AS AMENDED)
- (3) DETERMINATION NOTICE ON UNIFORM DOMESTIC DIALLING PLAN (Document No. Tel 2008/01 dated January 8, 2008)
- (4) DETERMINATION NOTICE/RECONSIDERATION DECISION ON UNIFORM DOMESTIC DIALLING PLAN (Reconsideration Phase 2 Decision: Document No. Tel 2009/02:Rcn/01 dated January 22, 2009)
- (5) NON-COMPLIANCE WITH THE OFFICE'S DETERMINATIONS/DECISIONS AS SET OUT IN (3) AND (4) ABOVE.

TO: LIME

WHEREAS the Office of Utilities Regulation (“the Office/OUR”) pursuant to Section 4(1), (2), (3) and (7) of the Office of Utilities Regulation Act, 1995 (as amended) (“the OUR Act”), is mandated inter alia to:

“ 4. Functions of the Office.

4. (1) ...

(a) regulate the provision of prescribed utility services by licensees or specified organizations;

(b) ...

- (c) conduct such research as it thinks necessary or desirable for the purposes of the performance of its functions under this Act;
- (d) ...
- (e) subject to section 8A, carry out, on its own initiative or at the request of any person, such investigations in relation to the provision of prescribed utility services as will enable it to determine whether the interests of consumers are adequately protected.
 - (2) The Office may, where it considers necessary, give directions to any licensee or specified organization with a view to ensuring that—
 - (a) the needs of the consumers of the services provided by the licensee or specified organization are met; and
 - (b) the prescribed utility service operates efficiently and in a manner designed to—
 - (i) ...
 - (ii) ...
 - (iii) afford to its consumers economical and reliable service.
 - (3) In the performance of its functions under this Act the Office shall undertake such measures as it considers necessary or desirable to—
 - (a) encourage competition in the provision of prescribed utility services;
 - (b) protect the interests of consumers in relation to the supply of a prescribed utility service;
 - (c) ...
 - (d) promote and encourage the development of modern and efficient utility services;
 - (e) enquire into the nature and extent of the prescribed utility services provided by a licensee or a specified organization...
 - (7) The Office shall give reasons for any decision taken by it pursuant to subsection (4)(a) or (5), to any person affected or likely to be affected by that decision.”

AND WHEREAS Section 9 of the OUR Act states:

“ 9. Power to require measures to be taken.

9. (1) Where it appears to the Office that a licensee or specified organization, as the case may be, is not fulfilling its obligations under its licence or enabling instrument, as the case may be, the Office may, by Memorandum in writing to the licensee or specified organization, require the licensee or specified organization, within the time specified in that Memorandum, to take such remedial measures as may be so specified.

(2) Any licensee or specified organization which fails to comply with the requirements of a Memorandum issued by the Office under this section shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars:

Provided that the court by which any licensee or specified organization is convicted of an offence may fix a reasonable period from the date of conviction for compliance by the licensee or specified organization with the requirements of the Memorandum and where a court has fixed such a period, the said daily penalty shall not be recoverable in respect of any day before the expiration thereof.”

AND WHEREAS the Office may regulate specified services and facilities pursuant to Section 4 of the Telecommunications Act, 2000 (“the Telecoms Act”) which states:

“ 4. Functions of Office.

4. (1) The Office shall regulate telecommunications in accordance with this Act and for that purpose the Office shall -

- (a) regulate specified services and facilities;
- (b) receive and process applications for a licence under this Act and make such recommendations to the Minister in relation to the application as the Office considers necessary or desirable;
- (c) promote the interests of customers, while having due regard to the interests of carriers and service providers;
- (d) carry out, on its own initiative or at the request of any person, investigations in relation to a person's conduct as will enable it to determine whether and to what extent that person is acting in contravention of this Act;
- (e) make available to the public, information concerning matters relating to the telecommunications industry;
- (f) promote competition among carriers and service providers;
- (g) advise the Minister on such matters relating to the provision of telecommunications services as it thinks fit or as may be requested by the Minister;
- (h) determine whether a specified service is a voice service for the purposes of this Act;
- (i) carry out such other functions as may be prescribed by or pursuant to this Act.

(2) In making a decision in the exercise of its functions under this Act the Office shall observe reasonable standards of procedural fairness, act in a timely fashion and observe the rules of natural justice, and, without prejudice to the generality of the foregoing, the Office shall -

- (a) consult in good faith with persons who are or are likely to be affected by the decision;
- (b) give to such persons an opportunity to make submissions to and to be heard by the Office;
- (c) have regard to the evidence adduced at any such hearing and to the matters contained in any such submissions;
- (d) give reasons in writing for each decision;
- (e) give notice of each decision in the prescribed manner.

(3) In exercise of its functions under this Act, the Office may have regard to the following matters-

- (a) the needs of the customers of the specified services;
- (b) whether the specified services are provided efficiently and in a manner designed to -
 - (i) protect the health and well-being of users of the service and such members of the public as would normally be affected by its operation;
 - (ii) protect and preserve the environment;
 - (iii) afford economical and reliable service to its customers.
- (c) whether the specified services are likely to promote or inhibit competition.”

AND WHEREAS the Office, pursuant to Section 4 of the OUR Act and Section 4(2) of the Telecommunications Act, 2000 and pursuant to its intention to review the National Dialling Plan, issued a Determination Notice entitled “**Uniform Domestic Dialling Plan**’, **Document No Tel2008/01**”, dated January 8, 2008 to become effective on January 11, 2008 (“UDDP Determination”) stating inter alia that:

“Six policy outcomes that should provide the basis for the implementation, by carriers and service providers, of the UDDP which is intended to provide a single dialling standard for domestic calls within Jamaica are outlined. These are:

1. Establishment of a single national standard for domestic Station-to-Station Sent-Paid calls which requires the dialling of the last seven digits of a subscriber’s 10-digit telephone number. This facility will provide dialling parity for all subscribers for such calls.
2. Discontinued use of the 1+ prefix, as a toll indicator for Domestic calls.

3. Use of the 1+ prefix only to differentiate between 7-digit and 10-digit dialling.
4. The provision of a post-dialling "toll warning indicator" for consumer protection, while reducing the number of dialled digits for domestic calls.
5. Mandatory uniform domestic dialling across all fixed and mobile networks in Jamaica”.

AND WHEREAS the Office made the following determinations:

“Determination 1.0:

A Uniform Domestic Dialling Plan shall be adopted by all carriers and service providers for all domestic Station-to-Station Sent-Paid calls originating and terminating within Jamaica and requiring the use of the 7-digit directory number of a subscriber’s 10-digit NANP telephone numbering address in the format:

NXX-XXXX (where N = digits 2 through 9, and X = any digit 0 through 9) consisting a 3-digit central office (CO) code referred to as the NXX code and a 4-digit line number previously referred as the station number.

The term central office or CO code is used because of its longstanding and widespread use and because the NXX format is used for both CO Codes and NPA codes. In this application, CO means the serving or end office that provides dial tone to subscribers in the fixed network and the home mobile switching centre of a mobile station.

Determination 2.0:

Domestic Station-to-Station Sent-Paid calls originating and terminating within Jamaica and requiring the dialling of the 7-digit directory number of a subscriber’s 10-digit NANP telephone numbering address shall not require the use of a prefix.

Determination 2.1:

The “1+” prefix shall not be required nor applied as a toll indicator for Domestic Station-to-Station Sent-Paid calls originating and terminating within Jamaica and requiring the dialling of the 7-digit directory number.

Determination 3.0:

Carriers and service providers may, on a permissive basis, provide a calling customer on their network with a post-dialling toll warning indication, by means of an audible tone signal, that toll charges may be incurred on a call where such charges may apply. This grant of discretion shall be subject to review by the Office.

Determination 3.1:

The audible tone signal, which shall be transmitted only to the calling station, shall be referred to as a Toll Warning Signal.

Determination 3.2:

A toll warning signal should be given as soon as the information received by the telephone network is sufficient to decide that the tone applies and shall be transmitted only to the calling station.

Determination 4.0:

The toll warning tone to be introduced shall be determined in accordance with the provisions of:

- ITU-T Recommendation E.180/Q.35 - **Technical Characteristics of Tones for the Telephone Service** - which “sets the limits and recommended values of cadences, frequencies and levels for tones used in the telephone service. Those technical characteristics are relevant either for audible tones applied within the network or for those generated at the digital terminal equipment”. And,
- ITU-T Recommendation E.182 - **Application of Tones and Recorded Announcements in Telephone Services** – which “states some provisions and conditions for the applicability of tones and recorded announcements for user information”.

Determination 6.0:

The Office shall invite proposals from the local industry regarding the establishment of an industry standard for the Toll Warning Signal on the basis of the following characteristics:

- Tone composition
- Frequency (Hz)
- Signal level (dBm)
- Cadence (seconds)

The application of a toll warning signal is on a permissive basis. Therefore establishment of the technical standard for the signal shall not delay the implementation of the Uniform Domestic Dialling Plan.

Determination 7.0:

The non-availability of an alternative toll alert mechanism in lieu of the 1+ prefix shall not be a barrier to the implementation of the Uniform Domestic Dialling Plan in Jamaica.

Determination 7.1:

The availability of toll alert mechanism shall not be a prerequisite for the discontinuation of the use of the 1+ prefix on Domestic Station-to-Station Sent-Paid calls originating and terminating within Jamaica and requiring the dialling of the 7-digit directory number of a subscriber’s 10-digit NANP telephone numbering address.

It is the view of the Office that price convergence will in time remove any need for a toll alert.

Determination 8.0:

Full implementation of the Uniform Domestic Dialling Plan shall be effected in all domestic networks no later than March 31, 2008.

Determination 9.0:

The standard use of call prefixes in the national dialling plan shall be as follows:

PREFIX	ACTUAL/FUTURE USE OF CODE	COMMENTS
0-	Telephone Company Operator	Zero-Minus
0+	Person Paid Collect Special (PPCS) call	Zero-Plus
00	(Not allocated)	Reserved for future use
01	International Person Paid Collect Special (PPCS) Call	
011	International Station to Station Sent Paid (SSSP) Call	
1+	10-digit Station to Station Sent Paid (SSSP) Call	

CALL CASE	CUSTOMER DIALS	COMMENTS
International calls (direct-dialed) within World Numbering Zone 1 (NANP Area)	1+ Area Code + Subscriber Number	The Numbering Zone which represents the NANP area has been assigned Country Code 1 which is not to be confused with the 1+ prefix. WNZ1 has only one country code which is now the only single digit Country Code
International calls (direct-dialed) Outside of World Numbering Zone 1	011+ Country Code + NDC Code + Subscriber Number	NDC = National Destination Code (the equivalent of the NANP area code)
International calls (operator-assisted) Outside of World Numbering Zone 1	01 + Country Code + NDC Code + Subscriber Number	Customer-Dialed Operator-Serviced (CDOS) Calls
Local Toll Free calls	1 + 888 + NXX – XXXX	N = digits 2 through 9 X = digits 0 through 9
Domestic calls (direct-dialed)	NXX-XXXX	Customer simply dials the seven-digit Subscriber Number, without any prefix
Domestic call (operator-assisted)	0 + Subscriber Number	CDOS Calls
Operator (General)	0-	Operator-dialed Calls. Customer simply dials "0", without any following digits. (May require inter-digital time-out where Zero-Plus dialing is also implemented)

AND WHEREAS on January 28, 2008 the Office received from Cable & Wireless Jamaica Limited (Now t/a LIME) an application for reconsideration of the UDDP Determination entitled: **“Application for Reconsideration of OUR Determination Notice Titled 'Uniform Domestic Dialling Plan', Document No Te12008/01, Dated January 8, 2008”** made in accordance with section 60(5)(b) of the Telecoms Act. The petition for reconsideration stated that the OUR’s Determination Notice *“was based upon material errors of fact and law”*. LIME, in applying for the reconsideration of the Determination Notice also applied for *“...a stay of the implementation of the Determination Notice and any other proceedings or process directly or indirectly related thereto pending the OUR’s reconsideration”*).

AND WHEREAS the Office, having reviewed and considered all the arguments and recommendations reconsidered the UDDP Determination in two phases:

- (i) The first phase stayed the implementation of the UDDP Determination and reopened the consultation on the Uniform Domestic Dialling Plan (“UDDP”). The reopening of the consultation was facilitated specifically for the purpose of allowing comments on unpublished responses that had been submitted by the Consumer Affairs Commission (“CAC”) and the Consumer Advisory Committee on Utilities (“CACU”) in relation to the Office’s Notice of Proposed Rule-Making on the UDDP.
- (ii) The second phase consisted of a review of the Office Decision with due regard to the CAC’s and CACU’s responses, and Lime’s claim of error of fact.

AND WHEREAS the Office issued its document entitled: **“Reconsideration (Phase 2) Decision: Uniform Domestic Dialling Plan Determination Notice: Document No. Tel 2009/02:Rcn/01”** dated January 22, 2009 to become effective on January 26, 2009 (“Reconsideration Decision”).

AND WHEREAS in the Reconsideration Decision, the Office stated inter alia that:

“RECONSIDERATION DECISION

- 5.1** Consequent upon the foregoing discussions, analyses and conclusions, the Office makes the decisions below in accordance with Section 60, subsections (6) and (7).
- 5.2** Upon reconsideration, the Office reverses its decision to introduce the Uniform Domestic Dialling Plan prior to the establishment of an alternative toll notification mechanism and consequently rescinds the previous Determination 6.0. The Office is persuaded that the adoption of an alternative toll notification mechanism should, as opined by C&WJ, *“form a part of any Determination Notice seeking to abolish 1 + dialling”*. This approach will also immediately satisfy the expectation of the Consumer Affairs Commission that a facility will be provided to ensure *“that consumers are not taken by surprise when higher than normal call charges appear on their bills”*. The newly added Determination 5.0 (Determination #5.0 was inadvertently omitted in the Determination Notice - Document No. Te12008/01) establishes the alternative toll notification mechanism.

5.3 Accordingly, the Office also modifies the Determination Notice to:

1. rescind Determination 3.1 and renumber Determination 3.2 as 3.1 and revise the wording to this Determination to change the nomenclatural reference to the alternative toll notification mechanism;
2. revise the wordings to Determinations 4.0, 7.0 and 7.1 to change the nomenclatural reference to the alternative toll notification mechanism;
3. replace the subject matter of Determination 6.0.

5.4 To assist service providers in ensuring their readiness for compliance with the Office's determinations, the Office is establishing a date certain as the effective date for implementation of the UDDP. Accordingly, the Office revises Determination 8.0.

5.5 The Office confirms Determinations 1.0, 2.0, 2.1, 3.0 and 9.0.

5.6 Mobile and Fixed-Line service providers who currently do not employ a toll notification indicator in their network, should notify the Office by January 31, 2009 of any intention to employ such an indicator as per (the newly added) Determination 5.0.

5.7 Modified Determinations

Determination 3.1:

The toll warning indication should be given as soon as the information received by the telephone network is sufficient to decide that the tone applies and shall be transmitted only to the calling station.

Determination 4.0:

The toll warning indication to be introduced shall be determined in accordance with the provisions of:

- ITU-T Recommendation E.180/Q.35 - **Technical Characteristics of Tones for the Telephone Service** - which "sets the limits and recommended values of cadences, frequencies and levels for tones used in the telephone service. Those technical characteristics are relevant either for audible tones applied within the network or for those generated at the digital terminal equipment". And,
- ITU-T Recommendation E.182 - **Application of Tones and Recorded Announcements in Telephone Services** - which "states some provisions and conditions for the applicability of tones and recorded announcements for user information".

Determination 5.0:

An industry standard for a toll warning indicator shall be adopted consistent with the parameters given below, and applied in the domestic telephone network in lieu of the 1+ Prefix:

NAME: Toll Notification Tone

DEFINITION: A tone advising the caller that the call is being processed and that toll charges will be applied.

TECHNICAL CHARACTERISTICS: This specification establishes the values of cadences, frequencies and levels for the audible tones signals to be applied within the network. These requirements for the tones signal components of the Toll Notification Tone correspond with those set for the first and second tone signals of the Special Information Tone specified in ITU-T Recommendation E.180/Q.35.

Tone period - The tone period shall consist of three successive tone signals, each lasting for 330 ± 70 milliseconds. Between these tone signals there may be a gap of up to 30 milliseconds.

Frequencies - The frequencies used for the three tone signals shall be: 950 ± 50 Hz; 1400 ± 50 Hz; 950 ± 50 Hz, sent in that order.

The Office shall allow the application of the Toll Notification Tone on a permissive basis rather than a mandatory basis, in accordance with Determination 3.0.

Determination 6.0:

Service providers are required to appropriately notify their customers, at least two (2) weeks in advance of the effective date, of the implementation of the Uniform Domestic Dialling Plan in their network.

To the extent that it is practical and reasonable service providers employing the Toll Notification Tone for the first time should provide their customers with an audible sampling of the tone, in the advance notification, so that when they hear it on a normal call, they interpret it to mean that toll charges will be incurred on the call. The purpose of this notification is to prevent confusion on the part of callers who are not knowledgeable about the tone.

Determination 7.0:

The non-availability of the Toll Notification Tone for use in lieu of the 1+ prefix shall not be a barrier to the implementation of the Uniform Domestic Dialling Plan in any local network.

Determination 7.1:

The availability of the Toll Notification Tone shall not be a prerequisite for the discontinuation of the use of the 1+ prefix on Domestic Station-to-Station Sent-Paid calls originating and terminating within Jamaica and requiring the dialling of the 7-digit directory number of a subscriber's 10-digit NANP telephone numbering address.

It is the view of the Office that price convergence will in time remove any need for a toll alert.

Determination 8.0:

Full implementation of the Uniform Domestic Dialling Plan shall be effected in all domestic networks no later than March 31, 2009.”

AND WHEREAS on February 13, 2009 LIME filed an appeal against the Reconsideration Decision with the Telecommunications Appeal Tribunal, a copy of which was served on the OUR.

AND WHEREAS the matter remained before the Tribunal for the ensuing two (2) years.

AND WHEREAS by letter dated February 28, 2011 Counsel for LIME advised the Telecommunications Appeal Tribunal that LIME was withdrawing its appeal against the Reconsideration Decision.

AND WHEREAS on March 02, 2011 LIME advised the Office that in light of the withdrawal of the said Appeal “LIME is now seeking to finalize its implementation plan and share it with the Office, such that its Determination will be implemented in a manner both amenable to the OUR and LIME. It is my intention to share this plan next week and at the latest, early the following week”. LIME has made no further contact with the OUR on the matter.

AND WHEREAS on May 13, 2011 the OUR notified the telecommunications industry that Lime’s challenge to the UDDP Determination and Reconsideration Decision had been withdrawn.

AND WHEREAS on its website, LIME has notified the public that effective April 18, 2011 all residential landline customers would be able to: “...call directly to the USA, Canada, or the Caribbean by dialling 1 + Area code + your party's number...”. However, the customers are not able to call to numbers with area codes that are similar to local (Jamaica) Mobile and 3rd Party Fixed Numbers on which LIME currently requires 1+ dialling for local calls, because LIME has not implemented the UDDP in compliance with the Determinations/Decisions of the Office.

AND WHEREAS LIME is in breach of its statutory obligation by virtue of its non-compliance with the Office’s determinations and reconsideration decisions made pursuant to Section 4 of the OUR Act and Section 4 of the Telecoms Act as set forth in:

- (a) **“Uniform Domestic Dialling Plan’, Document No Te12008/01”, dated January 8, 2008; and**
- (b) **“Reconsideration (Phase 2) Decision: Uniform Domestic Dialling Plan Determination Notice: Document No. Tel 2009/02: Rcn/01” dated January 8, 2009.**

Based on the foregoing, the Office **HEREBY DIRECTS THAT** LIME, within thirty (30) calendar days of the effective date of this Directive, take all measures to comply with the provisions of the UDDP Determination and Reconsideration Decision.

AND FURTHER TAKE NOTICE that LIME's failure to comply with this Directive within the time specified, renders it liable to prosecution pursuant to the provisions of Section 9(2) of the OUR Act.

BY ORDER OF THE OFFICE:



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Hopeton P. Heron
Deputy Director General

July 19, 2011
