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**OFFICE OF UTILITIES REGULATION**

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**MEDIA RELEASE**

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**“Telecommunications Appeals Tribunal affirms OUR directive issued to Claro”**

The Telecommunications Appeals Tribunal has upheld a decision of the Office of Utilities Regulation (OUR) which requires Oceanic Digital Jamaica Ltd., T/A as Claro, to discontinue the practice of automatically diverting calls from Digicel telemarketers to the voicemail box of Claro customers.

The OUR in a directive issued on June 14 last year had instructed Claro to discontinue the diversion of the calls to the voicemail box of its customers, as such actions were in contravention of section 29 subsections (1) and (2) of the Telecommunications Act 2000 (“Telecoms Act”), which obliges carriers to provide interconnection with its network to other networks on, inter alia, an any-to-any connectivity basis.

The Office acted on a complaint from Digicel and issued the Directive to Claro however, Claro at that time, asked for a reconsideration, which was done by the Office and the original decision affirmed in a subsequent directive with effect from August 9 last year.

The Tribunal in its ruling stated that, having considered all the evidence and submissions of both parties, the diversion of calls from a Digicel number to the voicemail box of Claro customers is a breach of the Telecommunications Act.

The decision of the Office, as embodied in its Directive/Memorandum dated June 14, 2010, is therefore effective as of December 14, 2010.

The Tribunal also accepted that under Section 4 of the Telecommunications Act 2000 and Section 4 of the Office of Utilities Regulation Act (the “OUR Act”), the Office has the power to, amongst other things: regulate the telecommunications industry, promote the interest of consumers, promote competition among carriers and service providers and to intervene in matters to determine if there were any breaches of the relevant legislation.

The ruling from the Telecommunications Appeals Tribunal is available on the OUR’s website at [www.our.org.jm](http://www.our.org.jm)

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Contact: Michael A. Bryce  
Director – Consumer & Public Affairs  
968 6053-4