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**Office of Utilities Regulation**

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**DIRECTIVE:**

**NON-COMPLIANCE WITH CONSUMER  
PROTECTION AND QUALITY OF SERVICE  
FOR TELECOMMUNICATIONS  
INFORMATION REQUIREMENTS**



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OFFICE OF UTILITIES REGULATION

June 02, 2010

DOCUMENT TITLE AND APPROVAL PAGE

DOCUMENT NUMBER: TEL2010003\_DIR003

1. DOCUMENT TITLE:

DIRECTIVE FOR NON-COMPLIANCE WITH CONSUMER PROTECTION AND QUALITY OF SERVICE FOR TELECOMMUNICATIONS INFORMATION REQUIREMENTS.

2. PURPOSE OF DOCUMENT

To require CLARO, in accordance with the terms of this Directive, to comply with information requests made in a letter from the Office dated March 9, 2010 together with attachments thereto and captioned: CONSUMER PROTECTION AND QUALITY OF SERVICE FOR TELECOMMUNICATIONS: INFORMATION REQUIREMENTS.

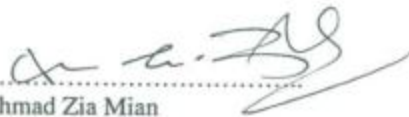
3. RECORD OF REVISIONS

Revision Number	Description	Date

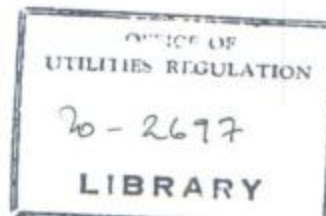
4. APPROVAL

This document is approved by the Office of Utilities Regulation and the Instruction therein becomes effective **June 03, 2010**.

On behalf of the Office:

  
.....  
Ahmad Zia Mian  
Director General

June 02, 2010



# OFFICE OF UTILITIES REGULATION

## DIRECTIVE

TEL2010003\_DIR003

(Issued pursuant to Section 10 of the Office of Utilities Regulation Act (as amended) and Section 4 of the Telecommunications Act (2000))

### IN THE MATTER OF:

- (1) THE TELECOMMUNICATIONS ACT (2000)
- (2) OFFICE OF UTILITIES REGULATION ACT (AS AMENDED)
- (3) NON-COMPLIANCE WITH CONSUMER PROTECTION AND QUALITY OF SERVICE FOR TELECOMMUNICATIONS INFORMATION REQUIREMENTS

**TO: OCEANIC DIGITAL JAMAICA LIMITED t/a CLARO**  
30-36 Grenada Crescent, Kingston 5

**WHEREAS** the Office of Utilities Regulation ("the Office") is mandated, pursuant to Section 4 (1) (2) (3) and (7) of the Office of Utilities Regulation Act (as amended) ("the OUR Act"), 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—

WHEREAS CLARO is in breach of its statutory obligations by virtue of its non-compliance with the Office's requests as made in its letter dated March 9, 2010 and captioned: CONSUMER PROTECTION AND QUALITY OF SERVICE FOR TELECOMMUNICATIONS: INFORMATION REQUIREMENTS, which letter was issued pursuant to Section 4 of the Telecoms Act and Section 10 of the OUR Act.

(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) ...

(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...

(4) The Office shall have power to determine, in accordance with the provisions of this Act, the rates or fares which may be charged in respect of the provisions of a prescribed utility service....

...(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 the Office, pursuant to Section 10 (1) of the OUR Act and Section 4 (4) of the Telecommunications Act (2000) ("the Telecoms Act") issued a request to CLARO for information contained in a letter dated March 9, 2010 together with attachments thereto and captioned: CONSUMER PROTECTION AND QUALITY OF SERVICE FOR TELECOMMUNICATIONS: INFORMATION REQUIREMENTS. For ease of reference, a copy of the said letter is attached hereto at ANNEXURE#1. AND

WHEREAS the aim of the Office's request for information pursuant to the said letter is to, inter alia:

a. allow the Office to execute its regulatory mandate pursuant to the OUR Act as well as the Telecoms Act;