



**Digicel's Response to the Consultation by the
Office of Utilities Regulation**

on

**Improving Information Transparency in
Telecommunication Markets**

July 5, 2019

OFFICIAL STATEMENT

Digicel thanks the Office of Utilities Regulation (OUR) for providing this opportunity for us to share our views and insights on Improving Information Transparency in Telecommunication Markets. In continuation of our collaborative relationship with the OUR, we commit to further dialogue with the OUR on this matter, in the spirit of maintaining the high standards that our customers expect from us.

The comments as provided herein are not exhaustive and Digicel's decision not to respond to any particular issue(s) raised in the Consultation Document or any particular issue(s) raised by any party relating to the subject matter generally does not necessarily represent agreement, in whole or in part, nor does any position taken by Digicel in this document represent a waiver or concession of any sort of Digicel's rights in any way. Digicel expressly reserves all its rights in this matter generally.

Please do not hesitate to refer any questions or remarks that may arise as a result of these comments by Digicel to:

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PRELIMINARY COMMENTS

Transparency is essential to efficient markets, it reduces information asymmetries and supports informed decision-making by consumers. We therefore welcome the Office of Utilities Regulation's ("OUR") consultation in exploring the information transparency in the telecommunication market in Jamaica, as we too are happy to make improvements to ensure that customers are provided with adequate, accurate and relevant information on our products and services in order to make the informed choices that best suit their needs.

As the OUR is aware, Digicel (Jamaica) Limited ("Digicel") has been - over the past two years - taking steps to improve transparency and ensure an improved customer experience. We have taken various initiatives including the following:

- Eliminated automatic "pay-as-you-go" out-of-bundle tariffs;
- Increased the number of notifications to customers advising of usage and Terms and Conditions;
- Introduced and promoted the MyDigicel App that puts customers in control of their experience with Digicel by information about existing plans and accounts at their fingertips, while giving them access to the full suite of information about our products and services;
- Implemented our "Knowledge Base" on-line resource where customers have easy access to various help topics and additional information.

The upshots of these initiatives are reflected in the Quarterly Performance Report issued by the OUR where the regulator has consistently recorded Digicel as having the lowest number of complaints among the utility providers.

That said, we are open to further improvements and initiatives being taken by the OUR, while we also hold the view that if there is a general public policy requirement for legislation or regulation, then it should be applied by way of horizontal regulation rather than by sector specific requirements. Where such requirements are imposed, they should be imposed only to the extent necessary to address specific, identified issues. And even where obligations are to be imposed, these should be the minimum necessary to achieve the desired outcome, and should not be so granular so as to affect the normal operations of the market, which it wishes to regulate. Overly granular and restrictive regulation often times limits operators' ability to innovate in a global market that is continuously transforming at a very fast pace.

In light of the above, we will now address the proposed remedies put forward by the OUR in its consultation document on Improving Information Transparency in Telecommunication Markets.

DIGICEL'S COMMENTS TO THE OUR'S PROPOSED REMEDIES

Proposal 1 (a): General Provision of Information on a Service - Unbundled

I. Service providers shall make available to consumers, information that is clear and current pertaining to applicable prices and tariffs of their services. The information published shall include but not limited to the following:

- (a) A clear description of the service*
- (b) any cap that may be applicable to the particular service*
- (c) the standard tariff that is applicable*
- (d) any applicable taxes*
- (e) a breakout of the charges for access, usage and/or maintenance where applicable*
- (f) details of any discounts which may have been applied*
- (g) the standard contract conditions offered including any relevant fixed commitment period*

Proposal 1(b): Provision of Information Pertaining to Bundled Services

I. Service providers shall make available to consumers, information that is clear and current pertaining to applicable prices and tariffs of a bundled service. The information published shall include but not limited to the following:

- (a) A clear description of each service included in the bundle.*
- (b) the details of any cap that may apply to each services in the bundle such as inclusive minutes, SMS, and data limits*
- (c) the applicable tariff for the bundled service*
- (d) any promotional/one-time discount that may have been applied*
- (e) the applicable tariffs if the services in the bundle are accessed after the allowances/caps are exhausted.*
- (f) the standard contract conditions offered including any relevant fixed commitment period.*
- (g) This shall include information on any limitation that may apply in the use of the service. For example, if there are regions/networks where the minutes included in the bundle would not apply, this shall be stated.*

Comment: In respect of Proposal 1(a) and (b), Digicel currently provides these details for both bundled and unbundled services. This information is available on our website and also available to the customer in MyDigicel App. The information is also be available via SMS when purchasing is done using a short-code.

Proposal 1(c): Provision of Information pertaining to Roaming Services

I. Service providers shall make information available to consumers for roaming services as per proposals 1(a) and (b) where applicable.

Comment: Digicel currently provides these details on our website and also to customers via our MyDigicel App. The information is also be available via SMS when purchasing is done using a short-code.

II. The information on roaming prices shall include the structure and billing unit of international mobile retail rates. This information shall include at a minimum, the basis of charging for:

- (a) voice services (for example charged on a per-minute basis);*
- (b) SMS (for example charged on a per text message basis) and*
- (c) data services (for example charged on a per megabyte basis).*

Comment: Digicel currently provides this information on our website on a webpage dedicated to roaming. Please see webpage at the following address:

<https://www.digicelgroup.com/jm/en/mobile/plans-services/services/roaming-information.html#/limit=12&offset=0> .

III. Service providers shall make information available to all roaming customers on the risk of automatic roaming including:

- (a) how to switch off data and voice roaming services on their devices and*
- (b) how to deactivate voicemail.*

Comment: All of our customers have access to our knowledge base via the “Need Help?” section of our website which can also be directly accessed at <https://support-jm.digicelgroup.com/hc/en-us>. Customers also have access to our knowledge base on the MyDigicel App in the help section.

IV. Service providers shall provide customers with a contact number that may be used free of charge while roaming to access detailed usage information on:

- (a) voice calls*
- (b) SMS and*
- (c) data services.*

Comment: Customers on a Roam Easy plan and connected to a foreign network while roaming have access to a contact number free of charge to access detailed usage information and are also given 100MB free data per month to access the My Digicel App. Customers are also able to access webchat once connected to the internet and can also use the MyDigicel App.

Proposal 1(d): Method of Publication of Information on Services

I. Service providers shall make available to consumers, the information on its services in proposal 1(a), 1(b) and 1(c) as follows:

- (a) The information shall be written in plain English, and made available by the service provider or its agent at the time the service is being purchased/contracted by the*

customer. Where the service can be purchased directly from electronic platforms such as Apps, the information shall be provided to the customer on the platform before it is purchased/activated.

(b) the customer shall also have access to the information pertaining to each service from at least one of the following:

- i. the service provider's website
- ii. SMS (or [via Short Code](#))
- iii. Print media
- iv. Service provider's Apps
- v. Bill stuffer, or
- vi. in such manner or form as directed by the OUR

Comment: Digicel's current practice is in line with the above. Our customers are able to see service or plan details via the MyDigicel App when they are purchasing and if using short codes, notification messages are sent directly to the customers with details for them to confirm purchase.

II. Where a reasonable request is otherwise made by the customer for a copy of the information on a particular service(s), the information shall be provided free of charge.

Comment: This is in line with Digicel's current practice.

Proposal 2: Clearer pricing and framing information in advertisements

I. Service providers shall clearly disclose the following in its advertisement:

- (a) accurate information regarding the service (e.g. the expected download/upload speeds for broadband services)
- (b) full information on the price of the service
- (c) Any promotional discounts applied
- (d) The period to which the discount is applicable
- (e) Any terms and conditions applicable to the specific promotion

Comment: Some of the recommendations above are not practical both from a marketing and financial standpoint. As it relates to print advertising, the number of details being required by the above would, based on how ads are charged, make the cost for advertising exorbitant especially in the case of digital advertising. The level of detail being required would make it difficult to advertise on the digital spaces available and would make it difficult for effective competition. The standard as it relates to digital advertising is for links to be embedded in the ads for customers to be directed to the relevant webpages with full and complete details as required under this Proposal 2 I. From a commercial standpoint we have a mandate to reduce or totally eliminate terms and conditions so that "what we sell you is what you get".

Proposal 3: The Establishment of Financial Caps

Service providers shall set financial caps for all new post-paid contracts.

I. At the time the service is being contracted the service provide shall:

- (a) request information from the customer pertaining to the financial cap to be applied to the service.*
- (b) Inform the customer that the financial cap established shall be applicable when roaming.*
- (c) Inform the customer of the option to ‘opt out’ of the financial cap prior to roaming if a separate roaming plan is purchased.*

II. Service providers shall allow existing customers to ‘opt in’ to a financial cap.

Comment: Digicel believes that this measure is only relevant to post-paid mobile customers and any final decisions which include a form of this proposal should clarify its applicability.

We currently have financial caps for all postpaid mobile accounts. For postpaid accounts, customers provide a deposit and this informs the cap/credit limit on the account. Note that customers are not allowed to exceed their credit limit but can buy add-ons if necessary. Financial caps however do not apply to our roaming services for postpaid customers as customers are not billed in real time as call detail records for calls, data and SMS charges may take up to thirty (30) days to be sent by our overseas partners. Digicel, in our postpaid standard terms and conditions reserve the right to bill customers for roaming usage up to thirty (30) days after the transaction occurred. To implement a financial cap for roaming will require a major system upgrade for us to meet Proposal 3 I. (b). Such system upgrades require significant financial outlay which is not planned for our current financial year and will be considered for our next financial year which starts in April 2020.

Proposal 4: Automatic usage notification alerts

I. Service providers shall automatically send usage notification alerts to customers without a requirement to ‘opt in’ to this provision. Notifications shall:

- (a) be free of charge;*
- (b) be provided in an electronic format such as a SMS;*
- (c) contain the date and time the notification was sent*
- (d) remain for the customer’s review as required*

Comment: Digicel currently provides notifications for several reasons including SMS notifications when a plan is purchased, usage notifications, auto renewal notifications, etc.

As it relates to proposal 4 I(c), we will need to review to see if this is feasible. In order to include the date and time that a notification is sent would require upgrades to our systems. The feasibility and costs associated with this upgrade will need to be assessed however the minimum turnaround time for new features is approximately nine (9) months.

As it relates to proposal 4 I(d), there is difficulty in complying with the requirement. Notifications are not currently stored as it would involve provisioning for additional storage and additional costs. We already have a difficulty in storing customer call data just by the volume of storage it would require. Additionally, we cannot guarantee that customers receive their notifications. If a customer's phone is off or if the memory is full the notification will not be delivered.

II. Usage notification alerts shall be sent in relation to the following services:

(a) Data

(b) Voice

(c) SMS

Comment: We currently send notifications with details of usage and customers also have the option of dialling a short code to obtain usage details.

III. Whether the service is purchased as a standalone or as a bundle, separate usage notification alerts shall be sent for each of the services listed for the following usage/expenditure thresholds:

(a) The customer shall receive the first usage alert at the 60% usage/expenditure threshold.

(b) The customer shall receive the second usage alert at the 80% usage/expenditure threshold.

(c) The customer shall receive the third usage alert at 100% indicating that the allotment for the service(s) has been exhausted or that the expenditure on the service has reached the financial cap established.

Comment: Digicel currently sends alerts when a mobile customers' usage is at 75%, 95% and 100%. There is no difficulty in changing these thresholds. For prepaid usage we currently send alerts based on number of minutes, SMS, and data remaining on the plan which we believe is more useful to this segment and believe we should be given the option to show caps based on the allocation or value remaining as opposed to percentage used. This proposal is not relevant to fixed customers.

IV. Where the service is purchased as a standalone, the alerts shall be based on the financial cap established.

V. In the case of bundled services, the customer shall receive a second notification at the 80% usage threshold providing an option to 'opt in' to the 'out of bundle'/ standard rate for the service(s).

VI. Where the bundle or an individual allotment is exhausted, the customer shall only incur additional charges where the option to 'opt in' was accepted.

Comment: When your mobile prepaid, consumer Freedom Plans or Corporate Plans are exhausted you can only incur standard rate services if you opt in to this or you can purchase a

new bundle or add-on. This is not the case with legacy postpaid plans and we are currently planning to rectify this.

VII. Where the customer 'opts in' to the 'out of bundle'/standard rate, charges incurred for the additional use of the service(s) shall be subject to the financial cap established by the customer. (see Proposal 3 on financial caps)

Comment: Our financial caps (credit limits) would already bar customers at that threshold whether in- our out of bundle. However, postpaid customers currently do not have the capability to “opt-in” to out of bundle charges and as previously stated our plans do not allow for out of bundle data usage.

VIII. Roaming Activation and Usage Notification Alerts

(a) Service providers shall send notification via text to consumers upon activation of a roaming plan and upon the start of roaming (landing).

Comment: Digicel currently sends a notification to mobile customers when they purchase a plan and also sends notifications to persons who have not purchased roaming plans upon landing in a foreign country to suggest that they buy a roaming plan. This proposal is not relevant to fixed customers.

(b) These notifications shall be free of charge and shall include information on any charges to consumers for:

- i. receiving a call from the home country;*
- ii. receiving a call from within the visited country;*
- iii. receiving a call from other international numbers;*
- iv. calling the home country;*
- v. calling within the visited country;*
- vi. calling other international numbers;*
- vii. sending and receiving SMS/MMS from the home country;*
- viii. sending and receiving SMS/MMS within the visited country;*
- ix. sending and receiving SMS/MMS from other international numbers;*
- x. data usage and*
- xi. accessing voicemail.*

Comment: Digicel’s notification confirming purchase of a roaming plan is made upon purchase. The notification advises customers to go to our website to the check rates. The details set out in this section VII (b) are too many to include in SMS but is available on our websites. We do not have roaming bundles for all jurisdictions and for these countries we advise our customers. The actual notifications currently sent to customers while roaming are set out at Item 1 of the Schedule hereto.

(c) The emergency services numbers of the visited country must be provided upon landing.

Comment: We are a Jamaican telecommunications company and do not think it is reasonable to be tasked with the responsibility of providing travel advice to consumers. Consumers should have a responsibility to educate themselves with safety information when travelling.

(d) The customer shall receive usage alerts during roaming as set out at 6.5.2(II) to 6.5.2(VII)

Comment: Alerts are sent for prepaid users and examples are set out at Item 2 of the Schedule hereto. We are not currently able to provide this for postpaid customers. We will have to review and assess. It will undoubtedly require upgrades and additional costs which are not budgeted for the current financial year.

(e) Where the roaming service is billed on a per usage charge, the alerts shall be sent based on the financial cap established.

Comment: Based on our current system, we are not able to provide this for postpaid customers. We will have to review and assess the feasibility of implementing such a change. Undoubtedly, it will require upgrades and additional costs which are not budgeted for our current financial year. See also comment at Proposal 3 II.

(f) Service providers shall send alert notification when a customer will incur roaming charges for services that are accessed that were not included in their roaming plan, or where the customer does not have a roaming plan but whose device(s) has registered on a network while travelling abroad. The alert shall include:

- i. the option to “opt in’ to the service;*
- ii. the charges that will be incurred for the roaming service.*

Comment: Major development will be required for this to be implemented and is not feasible for the current financial year as same is not budgeted.

The OUR therefore proposes to stagger the implementation of the information remedies as follows:

1. Alerts and Usage Notifications

The OUR considers that a period of (3) months may be reasonable for implementation of alerts and usage notifications.

Comment: This is not feasible for all proposals and in some cases the implementation timeline will extend into our 2020 financial year at the earliest based on the constraints we have indicated previously.

2. Modification of information on websites and Apps

The OUR considers that a period of six (6) months may be reasonable for the modification of information on websites and Apps.

Comment: Where changes are required we are able to comply.

FURTHER COMMENTS ON THE OUR'S PROPOSED REMEDIES

As we have previously stated, we have already implemented many of the proposed remedies set out in the Consultation Document. This reflects our mandate to ensure that customers are informed and are provided with the best user experience. This also confirms that the market is able to self-regulate in this regard as we make it our mandate to listen to our customers and make changes based on what they say they want. While we have not yet fully implemented all the areas covered in the proposed remedies, steps are continuously being taken to improve and implement better systems and controls to ensure a seamless user experience for customers.

Where feasibility studies and upgrades are required to implement some of the proposed remedies, we will explore with a view to implementing, however, as the OUR can appreciate, this takes the appropriate resourcing and financial planning which will undoubtedly take some time.

While we applaud the OUR's initiative, we wish to caution the implementation of regulations as proposed by the regulator that may limit telecommunication companies' ability to make changes based on feedback from their customers. This constantly changing industry requires the agility of telecommunication companies to quickly adapt to the needs of its customers.

As the world becomes more digitally driven and new technologies emerge, consumers are able to readily access information about the industry's various products and services which, in turn, helps them to make better choices. We all have a responsibility in this arena and the regulators, telecommunication operators and consumers have their share of responsibility in the information chain.

SCHEDULE

Item 1: Notifications currently sent to customers while roaming.

Roaming Country	Effective Date	Last Approved Message
All	8/26/2017	Thanks for roaming with Digicel! To access your voicemail, dial +18763800000. For customer care, dial +18763807626. Roaming outgoing call rates apply.
DIGIROAM; Canada; Ireland; United Kingdom; United States;	12/8/2017	When in roam, get no surprise charges! Get up to 1GB data, FREE incoming calls & low rates to call or text. Dial *153# to activate. Text ROAM to 137 for info
Canada	8/26/2017	Get up to 1GB data & free incoming calls when you activate the new roaming plan via *153#/MyDigicel App. PayGo rate applies in regions with no roaming bundles.
All	6/5/2017	Stay connected while roaming; top Up @ digiceltopup.com or with the Top Up app @ http://bit.ly/APPJM3 . Safe travels.
Guyana	8/26/2017	Sorry, no roaming bundles are available for this region. Stay in touch with one simple PayGo rate for calls, data & SMS. Visit www.digiceljamaica.com for info.
Dominican Republic	8/26/2017	Sorry, no roaming bundles are available for this region. Stay in touch with one simple PayGo rate for calls, data & SMS. Visit www.digiceljamaica.com for info.
Bahamas	8/26/2017	Sorry, no roaming bundles are available for this region. Stay in touch with one simple PayGo rate for calls, data & SMS. Visit www.digiceljamaica.com for info.
Ireland	8/26/2017	Get up to 1GB data & free incoming calls when you activate the new roaming plan via *153#/MyDigicel App. PayGo rate applies in regions with no roaming bundles.
United Kingdom	8/1/2017	Get up to 1GB data & free incoming calls when you activate the new roaming plan via *153#/MyDigicel App. PayGo rate applies in regions with no roaming bundles.

United States	8/1/2017	Get up to 1GB data & free incoming calls when you activate the new roaming plan via *153#/MyDigicel App. PayGo rate applies in regions with no roaming bundles.
All	12/17/2017	Oops! No Digicel roaming plans in this region. Stay in touch using standard roaming rates for calls and data in these countries.
Anguilla, Antigua and Barbuda, Aruba, Barbados, Bermuda, Curacao, Guyana, Haiti, Cayman Islands, Czech Republic, Albania, Austria, DIGIROAM, Dominica, El Salvador, French Guiana, Grenada, Guadeloupe, Ireland, Egypt, Germany, Ghana, Greece, Hungary, Israel, Italy, Malta, Netherlands, Martinique, New Zealand, Portugal, Romania, South Africa, Spain, St. Kitts and Nevis, St. Lucia, St. Vincent and The Grenadines, Suriname, Trinidad and Tobago United Kingdom, United States, Virgin Islands(US), Turkey, Canada, Panama, Puerto Rico, Argentina, Belize, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Nicaragua, Peru, Uruguay, Netherlands Antilles, France, Switzerland.	2/4/2019	Get up to 1GB, 60mins & free incoming calls when you activate a roaming plan via *153# or p.mydigicel.net. PayGo rate apply in regions with no roaming plans.

Item 2: Examples of Alerts sent to Prepaid Users while roaming

Bundle usage Notification Message 100MB - FLASH & SMS	You only have 100MB of roaming data left. Buy a new Roam Easy bundle from 2,900 JMD to keep roaming. Go to MyDigicel: p.mydigicel.net or dial *153# to activate
Bundle usage Notification Message 50MB - FLASH & SMS	You only have 50MB of roaming data left. Buy a new Roam Easy bundle from 2,900 JMD to keep roaming. Go to MyDigicel: p.mydigicel.net or dial *153# to activate
Bundle usage Notification Message 25MB - FLASH & SMS	You only have 25MB of roaming data left. Buy a new Roam Easy bundle from 2,900 JMD to keep roaming. Go to MyDigicel: p.mydigicel.net or dial *153# to activate
Bundle usage Notification Message 0MB - FLASH & SMS	You're out of roaming data. Buy a new Roam Easy bundle from 2,900 JMD to keep roaming without worry. Go to MyDigicel to activate: p.mydigicel.net or dial *153#
Bundle usage Notification Message 30 mins- Flash & sma	You only have 30 roaming mins remaining. To check balance, go to MyDigicel: p.mydigicel.net or dial *120*154#
Bundle usage Notification Message 15 mins - Flash & Sms	You only have 15 roaming minutes left. To check balance, go to MyDigicel: p.mydigicel.net or dial *120*154#
Bundle usage Notification Message 0mins - SMS	You're out of roaming mins. Out of bundle rates starting at 25JMD per min will apply. Top Up with MyDigicel: t.mydigicel.net to add credit to your account