



Response to the OUR's Document:
**Improving Information Transparency in
Telecommunication Markets**

July 5, 2019

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A. Introduction

Flow welcomes the opportunity to respond to the Office of Utilities Regulation's (OUR) proposals contained in its **Improving Information Transparency in Telecommunications Markets Consultation Document** dated May 29, 2019. Flow's comments represent the views of both Cable and Wireless Jamaica Ltd and Columbus Communications Jamaica Ltd. Flow supports all reasonable actions/initiatives that will enhance the utility and experience of consumers of telecommunications products and services. For this very reason that we have already introduced many of the OUR's proposals.

Our response is structured so that it is consistent with the sections and categories as outlined in the OUR's consultation document. This is to facilitate ease of reference by the reader. Flow reserves the right to expand on its comments at a later date.

Kindly direct any questions that you may have to Charles Douglas, Senior Manager, Regulatory Affairs at charles.douglas@cwj.com.

B. Information on Service Plans/Bundles

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*

Flow's Response to Proposal 1(a):

Flow does not object in principle that this proposal be a requirement in the market. That fact is that we currently provide clear information on most of our unbundled prepaid plans using our Unstructured Supplementary Service Data (USSD) system. The information provided includes the plan allotment/benefit, duration and price. For example, our new Unlimited Voice & Social Plans are represented as;

1. 5Days/Unl mins/Unl Social/250MB/\$350
2. 14Days/Unl mins/Unl Social/900MB/\$850
3. 28Days/Unl mins/Unl Social/2GB/\$1500
4. Data Add-On /1GB/\$400
5. Data Add-On /3GB/\$1000

However, all useful information cannot be shared via USSD due to character limitations placed on messages. Therefore, some of the other useful information such as the fair usage policy, taxes, the breakout of charges, discounts, the Terms and Conditions (Ts and Cs) will of necessity be shown on a Service Provider website, in the printed media and the like. Hence, customers should be made aware of their options to get the information that they require. To the extent that the information is publicly available it ought to be deemed as shared.

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 service¹ included in the bundle.*

¹ 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.

- (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.*

Flow's Response:

Our response is the same as shared for Proposal 1(a) above.

6.2.5 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.*
- 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).*
- 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.*
- 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.*

Flow's Response:

Flow is already practicing aspects of this proposal. For example, our plans are already represented as per the proposal in 1(a) and 1(b) above. Whereas, the information on roaming charges for out of plan PAYGO usage is not shown via the USSD menu or Flow App, should a customer roam without a pre-selected plan he will receive information messages (once they power on their device in a roaming country). Examples of such messages are;

- **(Message 1-** where we have an applicable roaming plan) FLOW welcomes you to USA! To access voicemail dial +18769806245. Visit <http://bit.ly/FlowTravelPass> for roaming tips& info. Happy Roaming!
- **(Message 2-** all customers) Pay –per-use USD rates are 50c to call the US & Jamaica, 30c to receive calls, \$1.50 to other countries, 10c to send texts & 40c per MB.

Flow already shares information to roamers via SMS on how to switch off data or disable voicemail while roaming. Flow has no objection to also placing this information on its website. However, we caution the OUR on seeking to create an obligation on service providers to inform roamers on **“how to switch off data and voice roaming services on their devices”**. While we appreciate the intent of this, it presumes that the service provider has expert

knowledge of the device being used by the roamer, which is not always the case. In fact, the customer may have obtained the device without any reference to the service provider. Perhaps it is more reasonable to require that they provide information on how *to switch off data and voice roaming services on the devices that they sell or sold previously*. Customers should be helped to see the benefits of taking some responsibility for learning about the devices that they purchase or use while roaming.

Flow has always ensured that its customers can make free local calls to its Call Center at any time. This is because we appreciate the value of being accessible to them, to assist with queries that they may have or to provide needed support. However, the circumstances are somewhat different while a customer is roaming, since they are in effect, using the network of another carrier (and not their service provider) to communicate back home. As such, the carrier that provides the roaming services levies a charge on their home carrier to provide the service. Given the costs incurred, the subscriber is asked to pay for the call/service used to contact the Contact Center of his service provider. We note that the OUR's proposal seeks to mandate that Call Center access while roaming must be free. This seems to contradict the principle of cost causation. Whereas, a service provider may opt to subsidize such access to its roaming customers, the OUR's proposed mandate seems unreasonable or "heavy handed". What is clear is that such access must be made available.

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*
- iii. Print media*
- iv. Service provider's Apps*
- v. Bill stuffer, or*
- vi. in such manner or form as directed by the OUR*

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.

Flow's Response:

Flow uses many of the proposed media to publish helpful customer information. Currently we use our website, print media, bill stuffers and our App. Flow is prepared to expand its use of available media, to the extent that it is reasonable, technically feasible and cost effective.

C. Pricing information in Advertisements

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*

Flow's Response:

This proposal is consistent with Flow's values and ongoing effort to be transparent to its customers. However, we are reviewing the proposal in greater detail and will provide a further response on July 12th.

D. Financial Caps

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.*

Flow's Response:

Flow accepts that the setting of a financial cap maybe helpful to many customers. However, we feel that this proposal is incomplete. Since the focus is on customers, they need to be fully empowered. Hence, not only should customers be allowed to opt out of the financial cap for roaming, but they should also be allowed to opt out for local calls, as well. The choice should be theirs to make, and not the Regulator's.

E. Notifications on usage and Limits

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*
- II.** *Usage notification alerts shall be sent in relation to the following services:*
- (a) Data*
 - (b) Voice*
 - (c) SMS*
- 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.*
- 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.*
- 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)*
- 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).*
 - (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. (c) The emergency services numbers of the visited country must be provided upon landing*

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

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

(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.*

Flow’s Response:

Flow has already taken the initiative to implement some of these proposals. The notifications that we send to customers via SMS is FREE. The SMS date and time is registered when the notification is delivered to the handset. This information and notification are available and will remain in the SMS history until it is deleted by the customer. In addition, we currently send the following usage notifications to some of our prepaid and postpaid subscribers. Data usage notifications are sent at 75% usage, 95% usage and 100% usage. On some voice plans, a usage notification is sent at 100% usage. Subject to a technical review, we will explore extending our notification feature to all our customers.

Notwithstanding the above, Flow considers that the mandates that Proposal 4 seeks to impose, require more detailed study. Flow will provide a more comprehensive response in its July 12th comments. One concern is that the OUR’s proposal, if implemented as is, will have the effect of determining the business model of a service providers. This we feel is outside the scope of the OUR. Instead, the emphasis should be on ensuring that customers receive accurate information, and so can choose both their service providers and plan(s) to meet their needs. The cost of implementation and maintenance of any proposed remedy should also be considered. For example;

1. Should notifications be sent based on financial caps agreed or usage thresholds/percentages? We suggest agreed usage thresholds/percentages be used. This protects customers that have elected not to have a financial cap established and is also simpler to implement.
2. Should the Regulator mandate that a bundled plan, must have an “opt in” and “opt out” option, to access standard rates? In the event that bundled plans end when benefits expire, is it for the OUR to mandate that service providers continue to extend the service, and without the expectation of payment if the customer does not “opt in”?
3. What is the OUR’s basis for mandating that **“Where a bundle or an individual allotment is exhausted, the customer shall only incur additional charges where the option to ‘opt in’ was accepted?”** This suggests that even when a customer gets a notification that his plan is 100% used up, and he somehow still thereafter consume the service, he should not be required to pay. Would such a rule, cause service providers to bar his phone from further calls or data usage, if he does not ‘opt in’ to accept standard charges?

As previously stated, a much closer review is needed to determine Flow's ability to comply with these proposed Rules

F. Time for Implementation of Remedies

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.

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.

Flow's Response:

Given the uncertainty around some of the OUR's proposals and the implications to a service providers business model, network systems, website, service Apps of any given service providers, these requirements may be reasonably implemented no sooner than 6 months after they are finalized.

To be clear, however, Flow considers that several of the OUR's proposals as represented need to be revised or removed.

End of document