
GOVERNMENT NOTICE

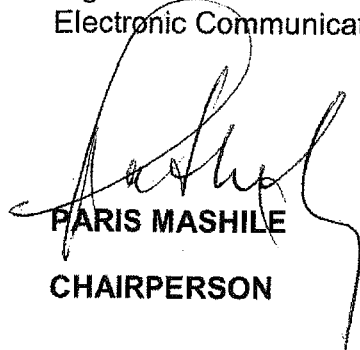
INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

No. R. 774

24 July 2009

REGULATIONS, IN TERMS OF SECTION 4 READ WITH SECTION 69(3) OF THE ELECTRONIC COMMUNICATIONS ACT, 2005 (ACT NO. 36 OF 2005), SETTING OUT THE MINIMUM STANDARDS FOR END-USER AND SUBSCRIBER SERVICE CHARTERS.

I, Paris Mashile, Chairperson of the Independent Communications Authority of South Africa ("the Authority"), hereby confirm that the Authority has approved the regulations in the schedule in terms of section 4 read with section 69(3) of the Electronic Communications Act, 2005 (Act No. 36 of 2005)



PARIS MASHILE
CHAIRPERSON

SCHEDULE

1. PURPOSE OF THE REGULATIONS

The purpose of these Regulations is to prescribe the minimum standards for end-user and subscriber service charters.

2. SCOPE AND APPLICATION OF THE REGULATIONS

The Regulations prescribe the minimum standards for end-user and subscriber service charters applicable to Electronic Communications Service (ECS) and Electronic Communications Network Service (ECNS) licensees.

3. DEFINITIONS

In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the Act has the meaning so assigned.

“The Act” means the Electronic Communications Act (No. 36 of 2005).

“Connectivity” means setting up and connecting the end user to the Electronic Communications network.

“Connectivity Failure” means the inability of an electronic communications network system to initiate or maintain connection between end-users.

“Complaint” means a communication lodged by an end-user, by means of voice communication, personal visit (walk-in centres), post or by data messaging, expressing dissatisfaction with the service rendered by the licensee.

“Fault” means a failure of performance so serious as to destroy the ability of a network or some elements of a network to function effectively.

“Fault Clearance” means the resolution of a fault.

“Fault Report” means the communication of a fault by the end-user.

"ICASA Act" means the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000).

"Installation" means making available the network infrastructure on the customer interface side.

"Qualifying service applicant" means an applicant for a licensee's service that meets certain preconditions as required by the licensee and can access these services within an area in which a licensee provides the required service and has coverage.

4. ELECTRONIC COMMUNICATIONS SERVICE (ECS) AND ELECTRONIC COMMUNICATIONS NETWORK SERVICE (ECNS) LICENSEES

Licensees must cater for the following:

4.1 Availability of the ECN services

All licensees must ensure that they achieve an average of 95% network service availability, over a period of six (6) months.

4.2 Availability of the EC services

All licensees must ensure that they achieve an average of 95% service availability within their specified area of coverage over a period of six (6) months

4.3 Average Time to both Install and activate Service

- a) All ECS and ECNS licensees must attain 90% success rate within thirty (30) days in meeting requests for installing and activating of service, for qualifying service applicants within their specified area of coverage.
- b) The remaining ten percent (10%) of requests for installation and activation must be met within forty (40) days of the request.

4.4 Average time to Activate service

- a) All ECS and ECNS licensees must attain 90% success rate within seven (7) days in meeting requests for activation of a service, for qualifying service applicants within their specified area of coverage.
- b) The remaining ten percent (10%) of requests for activation must be met within fifteen (15) days of the request.

4.5 Licensees shall within 7 days upon receipt of a request notify and provide full reasons to qualifying service applicants where they are unable to provide service within the period specified in sub regulations 4.1, 4.2, 4.3 and 4.4 above.

4.6 Connectivity Failure Rate (including dropped calls)

The percentage of connectivity failure rate must not exceed an average of 3% of all connections, over a period of six (6) months, for all ECNS and ECS licensees.

4.7 Operator Assisted Calls Response Time

The operator assisted calls must be answered within three (3) minutes averaged over twelve months.

4.8 ECN Monitoring

All licensees must monitor electronic communications network, 24 hours, seven (7) days a week.

4.9 Fault Clearance Rate / Mean Time to Clear Faults

- a) All ECNS and ECS licensees must maintain an average of 90% fault clearance rate for all faults reported within three (3) days.
- b) The remaining ten percent (10%) of faults reported must be cleared within six (6) days of the reporting of the fault.

5. COMPLAINTS PROCEDURE

5.1 Complaints reported to the Licensee

- (a) Licensees must designate and publicise a point of entry for complaints to be lodged by the complainants.
- (b) Licensees must acknowledge receipt of the complaint through the allocation of a reference number within three (3) days upon receipt thereof.
- (c) Licensees may respond to the complaint in any manner or format which the licensee considers appropriate in the circumstances, including, without limitation, in writing, telephonically, by e-mail, via short message services or in person.
- (d) Licensees must formally resolve all complaints from the complainants within fourteen (14) days of receipt thereof.

5.2. Complaints escalated to the Authority by End-Users and Subscribers

- (a) In the event that the complainant is not satisfied with the resolution of their complaint by the licensees, he/she may approach the Authority for the resolution of the complaint.
- (b) Licensees must formally resolve all complaints referred to them by the Authority within fourteen (14) days upon receipt thereof.

6. INFORMATION REQUIREMENTS

- (a) Licensees must keep and maintain a record of all complaints received from end-users and subscribers.
- (b) Licensee must prepare six-monthly reports on complaints received and processed. Copies of such reports must be submitted to the Authority within one (1) month after the end of the licensee's financial year and every six (6) months thereafter.

- (c) Licensees must prepare and submit to the Authority six (6) monthly reports on the standards as prescribed in regulation 4.
- (d) The reports referred to in sub regulations 6(b) and (c) of these regulations must be in accordance with the format as may be determined by the Authority from time to time.

7. PENALTIES

A licensee who is held to be non compliant by the Complaints and Compliance Committee (CCC) will be liable to a fine not exceeding:

- a) R500 000.00 for a contravention of regulation 4
- b) R 150 000.00 for a contravention of regulations 5 and 6
- c) An additional R50 000.00 for every repeated offence

8. REGULATIONS THAT ARE REPEALED

- a) The End-user and Subscriber Service Charter Regulations, published in Government Gazette Number 30792 dated 25 February, 2008 are hereby repealed.
- b) The End-User and Subscriber Service Charter Regulations, published in Government Gazette Number 31556 dated 31 October, 2008 are hereby repealed.

9. SHORT TITLE AND COMMENCEMENT

These Regulations are called End-User and Subscriber Service Charter Regulations 2009 and will come into operation within thirty (30) days from the date of publication in the Government Gazette.