



Commission for
Communications Regulation

Information Notice

ComReg's approach to consumer issues in the Irish communications market

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An Coimisiún um Rialáil Cumarsáide

Commission for Communications Regulation

Abbey Court Irish Life Centre Lower Abbey Street Dublin 1 Ireland

Telephone +353 1 804 9600 Fax +353 1 804 9680 Email info@comreg.ie Web www.comreg.ie

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1 Introduction

ComReg's consumer role will evolve over the coming months in light of the new EU regulatory framework, in particular, the Universal Service and Users' Rights Directive. Draft transposing regulations have already been published by the Department of Communications, Marine and Natural Resources and ComReg has initiated work streams¹ to decide how to implement the new measures contained in the directive. A further consultation dealing with the user protection measures contained in the Directive will issue shortly.

In advance of this, ComReg is issuing this information note to

- set out a general a policy framework around ComReg's current consumer role,
- to highlight a number of the key initiatives we have implemented in this area
- to outline the main areas which will be impacted as a result of upcoming legislative changes and

In summary, the primary objectives of our consumer role are

- to indirectly maximise consumer welfare (price, choice, quality) through the development of competition
- to implement consumer protection measures while competition is developing
- to seek to raise consumers' awareness or inform them about particular issues or opportunities in the market (increasing the potential for choice to be exercised or minimising scope for abuses)

A key driver of ComReg's consumer objectives will be the implementation of the measures contained in the new EU regulatory framework, once transposed into national legislation. Broadly speaking, the new framework places a heavier emphasis on the role of regulators in protecting consumers and providing them with information, in particular, the contribution such a role plays in the development of competition. The initial focus of ComReg's future consumer work programme will be to speedily implement the measures outlined in the new framework (where consumers' needs are not being met by the market) and to further increase our awareness raising role.

Addressing consumer issues at the framework level, making consumers aware of their rights and how they can take action under any measures adopted, offers an efficient and effective means for ComReg to bring consumers issues

¹ The Future Framework for the Regulation of Universal Service in the Irish Telecommunications Market, ComReg Document 02/116.

ComReg's approach to consumer issues in the Irish communications market to the forefront of the regulatory process. However, where necessary, ComReg will implement additional measures to deal with specific areas of responsibility, for example, consumer complaint handling.

The document takes the form of an information notice so no specific questions requiring responses are raised in it. However, ComReg would welcome comments on any aspect of the document.

This document is without prejudice to the legal position or the rights and duties of ComReg to regulate the market generally. Any views expressed are not binding and are without prejudice to the final form and content of any decisions which ComReg may make.

2 Background

In deciding whether or not regulatory measures in the consumer protection area are justified, ComReg needs to understand clearly what the issues are and how to deal with them, or indeed to leave it up to market forces where appropriate. ComReg, through feedback received via our consultation papers, consumer surveys and directly from consumers themselves, is in a position to identify where consumer needs are not being served by the market.

In certain situations, the Office may seek to intervene to ensure that the needs of users are brought into focus, whether through the creation or modification of existing regimes (e.g. Codes of Practice for Complaint Handling, Service Level Agreements), network audits, consumer awareness bulletins or indeed directions to operators to comply with specific obligations. Our overall aim is to review the market situation and to develop measures, where appropriate, that meet the needs of consumers while at the same time ensuring that operators retain ultimate responsibility for their customers. It is also recognised that a balance must be struck between the needs of market players competing in the market and the concerns and needs of consumers in such a liberalised environment.

Setting the framework within which consumer needs can be met by the market offers the most efficient means of delivering upon our consumer role, for it is the market players and not ComReg who introduce competition into the market. This approach delivers the benefits to the consumer in terms of increased choice of supplier, lower prices and higher quality services.

Following recent changes to the EU regulatory framework, and the resulting publication by the Department of Communications, Marine and Natural Resources of draft transposing regulations, ComReg will shortly be initiating further work on specific measures governing the protection of end users.

3 ComReg's Consumer Policy

While competition is developing, consumers may not have access to an adequate level of protection in terms of their ability to take advantage of the opportunities available within the market place as they relate to price, choice and quality. Consequently, in response to unmet consumer needs, service providers may need to be encouraged, through the implementation of regulatory measures, to provide the means through which consumers can take advantage of the benefits of competition.

The following sections set out the broad aims of ComReg's consumer role and the activities through which we seek to fulfil it.

3.1 The Aims of ComReg's Consumer Policy

ComReg's consumer policy will seek to promote the interests of users within the following three aims.

- **Maximising Consumer Welfare:** The aim is to ensure choice, price and quality for consumers and is generally effected through the regulatory framework that has been put in place to facilitate the development of effective competition.
- **Protecting Consumers:** The aim is to put in place measures to protect consumers while competition is developing and is achieved through specific measures adopted under appropriate legislation (mainly EU Directives and national legislation).
- **Raising Consumer Awareness:** The aim is to provide consumers with information to allow them to make informed choices in the market, thereby contributing to the development of competition. This is achieved through the publication of relevant information and ongoing communication with consumer groups and their representatives.

Within this framework, ComReg has implemented a number of consumer initiatives and these are described in Section 4. While ComReg's ultimate goal is to reach a situation whereby consumers/stakeholders and operators would work together to resolve issues without the need for ComReg intervention, this is unlikely in the short term. Accordingly, ComReg's involvement will continue, although, the level and scope will need to be determined on a case-by-case basis.

3.2 Consumer Regulatory Role

Within its consumer role, ComReg aims to measure, and where possible act upon, poor quality of service standards. Such action typically takes the following forms.

- To set general conditions requiring operators to establish service quality standards and to ensure that these are maintained.
- To ensure the availability to consumers of comparable and meaningful information on operators' performance in achieving such standards.

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- To remove bottlenecks inhibiting the delivery of key services required by the market.
- To ensure that the consumer has access to reliable, up-to-date and easy to understand information about the choices available to them in the market place, whether in terms of price, choice or quality, in order to allow them to make informed decisions about their choice of supplier.
- To ensure that operators have in place appropriate procedures/codes of practice for the resolution of consumer complaints, and that they are easy to use, transparent and effective.
- To carry out audits of network quality and service delivery processes and procedures.

3.3 Consumer Legislative Framework

ComReg's consumer policy operates within the framework set out in national and EU legislation. This consumer role will evolve over the coming year, principally driven by recent changes in national legislation, in particular, the Communications Act 2002 and newly adopted EU legislation that will soon be transposed into Irish law.

3.3.1 Communications Act, 2002

Broadly speaking, ComReg's consumer role under the Communications Act 2002 remains largely unchanged. However, the Act explicitly identifies functions and objectives which facilitate an increased ability for ComReg to monitor and promote the interests of consumers with respect to communications services. These include, *inter alia*,

- to ensure compliance by undertakings with obligations in relation to the supply of and access to electronic communications services, electronic communications networks and associated facilities and the transmission of such services on such networks,
- to investigate complaints from undertakings and consumers regarding the supply of and access to electronic communications services, electronic communications networks and associated facilities and transmission of such services on such networks,
- to ensure that users, including disabled users, derive the maximum benefits in terms of price, choice and quality,
- to ensure that all users have access to a universal service,
- to ensure a high level of protection for consumers in their dealings with suppliers, in particular by ensuring the availability of simple and inexpensive dispute resolution procedures carried out by a body that is independent of the parties involved,
- to contribute to ensuring a high level of protection of personal data and privacy,

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- to promote the provision of clear information, in particular requiring transparency of tariffs and conditions for using publicly available electronic communications services,

3.3.2 EU Legislative Developments

Changes to ComReg's approach to its consumer role will also stem from the regulatory framework recently adopted by the EU. The regulatory package updates existing legislation and makes significant changes to the way in which electronic communications markets are regulated. A key driver of consumer protection under the framework comes from the Universal Service and Users' Rights Directive² which broadens the scope of the regulatory measures available to ComReg in order to protect consumers while competition is developing. In essence, the Directive provides a tool box of measures which can be drawn upon by ComReg as appropriate in order to promote the interests of users. The Directive must be transposed into Irish Law by July 2003 at the latest and it will give rise to further ComReg consumer activities, whether in terms of an updating of existing regimes or the creation of new ones.

The Department of Communications, Marine and Natural Resources has recently issued a consultation³ on draft legislation which transposes the Universal Service and Users' Rights Directive. Once the draft regulations come into force they will provide a basis for developing the future regulatory framework for the promotion of the interests of users.

To name but a few, the consumer measures set out in the regulations will allow ComReg:

- to ensure that end users enjoy the provision of a defined minimum set of telecommunications services (provision of a telephone line, public payphones and directory information services) at an affordable price,
- to ensure access to and affordability of publicly available telephone services at a fixed location for disabled users and users with special social needs,
- to ensure the publication of adequate and up-to-date information of quality of service performance,
- to ensure that consumers are protected from immediate disconnection from the network for the non-payment of a bill (except in persistent cases of late payment), and have measures available to allow them to control their telephony expenditure.
- to ensure that consumers can receive a service in accordance with a written contract which must specify a minimum set of contract terms and conditions, including quality of service, conditions for the termination of

² Directive of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive)

³ Consultation is available at <http://www.dcmnr.gov.ie/files/cmUSO.doc>

ComReg's approach to consumer issues in the Irish communications market the contract, compensation and refund measures that apply along with procedures for resolving disputes,

- to ensure consumers are provided with transparent and up-to-date information on prices and tariffs.
- to ensure that operators implement a code of practice for handling consumer complaints
- to intervene to resolve consumer disputes that remain unresolved after the exhaustion of an operator's own procedures.

Changes to ComReg's consumer role in light of changes to legislation will be implemented having regard to the overall consumer policy aims identified in Section 3.1. Specific work programme items to achieve this are discussed in Section 6.

ComReg will work, in consultation with the industry and consumers, to implement the various measures outlined in the draft regulations. Indeed, A paper was recently issued concerning the Future Framework for the Regulation of Universal Service in the Irish Market which deals with the first four of the issues identified in the bullets above. The consultation is available at <http://www.comreg.ie/docs/ComReg02116.doc>.

A further consultation dealing with the remaining end user issues will be issued shortly and will, amongst other things, deal with quality of service performance and ComReg's future complaint handling role. Further consultation on individual regimes or measures may be appropriate.

4 ComReg Consumer Initiatives

Whilst regulation ultimately benefits the consumer, whether in terms of price, choice and quality, some of the initiatives undertaken by ComReg are more readily identifiable to the consumer than others. Generally, such measures are designed to ensure that consumers have a high level of protection in their dealings with operators while competition is developing. The basic rationale is that ideally a competitive market would freely meet consumer needs without the need for regulatory intervention. It also follows that over time, as competition develops, regulatory intervention to protect consumers may no longer be justified.

4.1 Consumer Initiatives

Some examples of Comreg initiatives that have been developed within the policy aims of maximising consumer welfare, ensuring consumer protection and raising consumer awareness are described below (non-exhaustive).

Codes of Conduct for Complaint Handling	ComReg has established frameworks on the Codes of Conduct for the handling of consumer complaints by telecommunications and Cable/MMDS operators (television providers). The emphasis here has been to ensure that it is the operators themselves that retain primary responsibility for dealing with any complaints from their customers. The Codes also offer a higher degree of transparency to consumers during the complaint handling process and places them in a position to directly enforce their rights at every stage.
Consumer Complaint Handling	If a business or residential consumer, after exhausting an operator's complaint handling procedures, is dissatisfied with the response received, the consumer can contact ComReg. Depending on the issue at hand ComReg may be in a position to deal with the matter by acting as an arbitrator between the parties to achieve a mutually acceptable solution or to advise the consumer of other means of redress. ComReg's consumer complaints policy is set out in Section 5, with the procedures for submitting a complaint to ComReg set out in Section 7.
Consumer Surveys	ComReg regularly conducts consumer market research. This is a particularly important part of the regulatory process in providing all stakeholders with additional qualitative and quantitative information, focusing on particular segments of the communications market. Among the telecommunications surveys conducted have been surveys to assess the usage patterns and attitudes of residential users and SME companies with respect to various telecommunications providers and services. Results of consumer surveys are published in accompaniment to our quarterly reviews of the communications market.
Measuring Licensed Operator Performance	This initiative involves the publication of detailed performance statistics on how telecommunications operators perform against a set of defined parameters which include order, fault and complaint management. The principal benefit of such a programme to consumers is the availability of clear indicators of quality of service performance that can assist them in making an informed choice in the

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	market. Three reports have been published covering the period July 2001 to June 2002 and further reports will be published on an ongoing basis. A programme, with similar objectives, is being developed for the major providers of pay television services.
Itemised Billing	Itemised billing allows consumers to check and control their purchase of telephony services. In July 2001 ComReg introduced a requirement for eircom to offer a minimum level of itemised billing for free from 31 st December, 2001. Consumers can obtain this upon requesting it from eircom.
Service Level Agreements	ComReg has implemented a wholesale Service Level Agreement regime governing the provision of ISDN and leased line circuits by eircom to other operators. Operators may be dependent on eircom for the delivery of certain wholesale service elements in order to facilitate the delivery of their own retail offerings. SLAs provide operators with greater certainty around service quality which they can then, in turn, pass on to their customers. Since the SLA regime was first implemented in 1999 service delivery times have dropped from between 100 and 200 days to around 20 days today. If a consumer is receiving ISDN or services from a licensed operator they should enquire whether the benefits of the wholesale SLA regime can be passed on to customers in terms of a back-to-back retail SLA.
Price Caps	Price caps are one option open to ComReg where certain services have yet to see the benefits of competition. Their purpose is to protect consumers from the high prices that might result in the absence of competitive constraints. Following the completion of a review of the price cap regime in February 2003, ComReg has imposed a price cap that ensures that prices for a basket of telecommunications services cannot grow by more than the rate of inflation.
Numbering	ComReg has implemented a framework for number portability which allows businesses and residential consumers to retain their telephone number when they change operator, thereby making it easier for them to take advantage of the choice of various service providers in the market. The cost and inconvenience to consumers of having to inform callers of changed numbers is avoided and the caller benefits from not having to change their records or calling fewer wrong numbers. Number portability is currently available for geographic (e.g. local numbers) and non-geographic (e.g. Locall, Freefone numbers) numbers. Full mobile number portability, which will allow the consumer to retain their whole mobile number (including prefix) is due to be introduced in July 2003.
Network audits	In Broadcasting, ComReg conducts network compliance audits on a regular basis to assess quality of service and digital availability. Further audits are then carried out as required, based on the analysis of complaint trends to deal with 'black spot' areas.

Over the coming months, further consumer initiatives will be developed and implemented in light of national and EU legislative developments and in the context of ongoing needs of consumers within the regulatory process.

4.2 Consumer Forum

Consumer participation (including by their representative organisations) is an important tool for informing the regulatory process. Likewise, ComReg can act as a facilitator between consumers and licensed operators in bringing about mutually beneficial outcomes to issues, thereby minimizing the need for regulatory intervention. In June 2000, ComReg established a Consumer Forum which meets regularly. The forum currently provides a vehicle through which ComReg

- can receive input or feedback regarding issues affecting users and, where appropriate, to take action through the introduction or further development of regulatory measures
- can inform organisations representing consumer interests regarding regulatory measures taken or about to be taken and the perceived benefits such measures are designed to achieve
- can promote awareness amongst consumers regarding the opportunities available in the market place

A range of consumer interests is generally represented in the Forum, with the aim of achieving good coverage of the major consumer sectors (business, residential). Current representatives are:

- Chambers of Commerce Ireland
- Consumers Association of Ireland
- IBEC - Telecommunications Users Group
- Office of the Director of Consumer Affairs
- Other participants are invited on an issue by issue basis

ComReg welcomes the participation of the above organisations in the Forum, and together, over the coming months, we will be examining ways within which we can ensure that it operates effectively and acts as a means of informing the regulatory process. In future, operators may also be invited to participate within the forum on an issue-by-issue basis in an effort to address issues in partnership.

4.3 Consumer Awareness

An informed consumer who can evaluate a range of suppliers and choose one that suits their communication needs based on a price/ quality requirement plays a key role in driving the development of competition in the marketplace. From time to time, ComReg research indicates that consumers have a low level of awareness regarding factors affecting their choice of service or supplier, e.g. international mobile roaming. The industry may seek to increase awareness in certain areas, typically for reasons of commercial advantage. However, where the consumer awareness needs are not being met by the market, ComReg may decide to take action say, for example, by issuing informative bulletins.

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ComReg has published two consumer guides for the following areas

- Consumer Choice in the Fixed Telephone Market
- Controlling the Costs of Using Your Mobile Phone Abroad

These guides are available under the consumer information section of our website www.comreg.ie

ComReg will be publishing further consumer information guides over the coming months in an effort to ensure that consumers are informed about various issues in the market. ComReg would welcome feedback from consumers as to issues they feel could be covered by such bulletins.

4.4 Consumer Feedback

Service providers frequently differentiate their products or service offerings according to their degree of quality and reliability in comparison to those of their competitors.

Consumer feedback received by ComReg provides a useful barometer of user satisfaction with operators' quality of service performance. The information received by ComReg from consumers as part of its complaint handling role is a particularly important tool for informing the regulatory process and identifying trends or problems at an early stage. ComReg records all consumer complaints/ queries and trends are monitored over time to assess if systematic problems can be identified. If so regulatory intervention may be justified to address persistent failures to provide a reasonable level of service quality or to fill gaps identified by a low level of consumer awareness.

All operators are updated on trends on consumer complaints on a regular basis which assists them in identifying the root cause of problems. Furthermore, where appropriate ComReg may request action from the operator to address persistent service failures or may carry out audits of networks, systems and delivery processes to ensue their reliability and quality in light of regulatory obligations.

In future, ComReg may seek to publish disaggregated data on consumer complaints received and depending on the approach that may be adopted, consultation may be appropriate.

5 Consumer Complaints Policy

5.1 Background

Since the liberalisation of the market, the Ombudsman has ceased to have responsibility for dealing with complaints from eircom residential customers. Since then, ComReg has been contacted by both business and residential consumers who, in light of their experience, believe they have reason to be dissatisfied with the response received from their service provider. This section sets out ComReg's policy on consumer complaints, with our procedures for submitting complaints to this office is set out in Section 7.

This role may evolve further in light of the legislative developments discussed in section 3.3, in particular, the transposition of the EU regulatory framework package into Irish legislation.

5.2 ComReg Complaints Policy

Every consumer is entitled to receive a minimum quality of service standard from their communications provider. Some consumers may choose a service based on a price/quality trade off and they may therefore be willing to accept a lower quality service at a cheaper price. Where consumer expectations (in light of the service chosen and the operator's commitments) are not being met they may wish to contact their operator to express their dissatisfaction and to have any problems either remedied or explained to them.

The primary emphasis of ComReg's consumer complaints policy is to ensure that consumers have the ability to take direct action regarding poor service provision, quality or other issues. While competition is developing ComReg seeks to encourage service providers to maintain and improve service levels through regulatory measures such as Service Level Agreements (SLAs), the Measuring Licensed Operator Performance programme and the Code of Practice regime established for operators concerning their management of consumer complaints.

Within this policy, ComReg considers that the primary responsibility for complaint resolution must be retained by the service provider themselves, as they have the direct relationship with the consumer and are in the best position to address complaint. To upset this balance would only serve to both undermine a consumer's right to seek redress from an operator and encourage operators themselves to abdicate their responsibility for dealing with their customers by shifting the focus for handling their service quality problems to a third party.

ComReg will not, therefore, seek to become a clearing house for an operator's failure to deal with its customers' complaints adequately. Rather, our role is to provide the means through which consumers can seek redress directly, thereby minimising the need for inefficient case-by-case intervention which ultimately has a minimal effect in tackling the root of the problem.

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However, consumers may feel that their complaints have not been adequately addressed and, in such instances, may seek to contact ComReg for advice or to help resolve the issue. ComReg's consumer complaint handling procedures are set out in detail in Section 7 of this document. In summary, once contacted, ComReg will advise the consumer if the issue can be appropriately dealt with by this office. ComReg will then contact the operator on the consumer's behalf in order to get the operator to directly resolve the issue. Throughout this time the onus is on the operator to liaise directly with its customer as they are in the best position to deliver a mutually acceptable outcome. ComReg will be notified by the operator when a satisfactory outcome has been reached with its customer and at that stage ComReg will contact the consumer to ensure that the complaint has been addressed.

Operators' proactive approach to date in dealing with complaints received by ComReg is particularly welcome. Indeed, ComReg has informally agreed inter ComReg-operator procedures for complaint referral in order to improve the efficiency of their handling and speed of resolution for the consumer.

In light of ComReg's current regulatory powers, it is considered that this policy approach to complaints strikes the appropriate balance between the operation of a dispute resolution procedure and ensuring operators retain the primary responsibility for dealing with their customer's problems.

Over the coming period, ComReg intends to re-examine its consumer complaint resolution role in the context of changes to national and EU legislation (see Section 3.3).

5.3 ComReg's Complaint Resolution Powers

Under current legislation, ComReg's current role with respect to consumer complaints extends to ensuring that there are simple and inexpensive dispute resolution procedures for the investigation and resolution of complaints between residential/business consumers and service providers.

ComReg's ability to act upon a consumer's complaint depends on the particulars of the issue raised and our relevant legal powers. Some complaints may have a direct regulatory bearing, for example, a contravention of an obligation regarding service provision or failure to follow the complaints procedure set out in an operator's Code of Practice for complaint handling. In this situation ComReg can intervene to address the issue. This is generally effected by acting as an arbitrator between the complainant and the service provider with the complaint being referred back to the operator for examination in light of the obligations established under the prevailing regulatory framework.

However, from time to time, issues are raised that do not have a direct regulatory bearing. In such instances ComReg may not be in a position to prescribe an outcome. In such cases, ComReg may seek to act as an arbitrator between the parties and use its 'good offices' in order to reach a mutually acceptable solution or to advise the consumer of other means of redress.

5.4 Compensatory Measures

It is important to note that ComReg does not currently prescribe compensation as a remedy for any consumer complaint. Depending on the particulars of the dispute, operators may offer refunds or other goodwill gestures to complainants, however, this is a matter for operator concerned.

A consumer does have the option to pursue compensation through the Small Claims Courts. This Small Claims Court is a procedure within the District Court structure that handles consumer claims for compensation up to €1,269

5.5 Raising Complaints and Queries with ComReg

As stated earlier, ComReg will only investigate a complaint if the consumer has first exhausted an operator's complaint handling process as set out in its published Code of Practice for Complaint Handling. These Codes of Conduct are available directly from the operator concerned either by telephoning their customer care line or directly on their website.

However, if after exhausting an operator's complaint handling procedures a consumer is dissatisfied with the way an operator has managed a complaint then they can bring their issue to the attention of ComReg. ComReg will examine whether the issue raised can be appropriately dealt with by this office. If so, ComReg will act as an arbitrator between the parties and request the operator to re-examine the consumer's complaint in light of any relevant regulatory obligations. Once referred the operator remains responsible for both maintaining contact with the customer and resolving the issue itself. ComReg will monitor progress within this process and once notified by the operator that the matter has been resolved we will contact the customer to ensure the complaint is resolved.

A detailed procedure for submitting complaints to ComReg is set out in Section 7.

6 Future Work

One of the main drivers for ComReg's future consumer work programme will be the recently adopted European Directive on Universal Service and Users' Rights following its subsequent transposition into national legislation. Once transposed into Irish legislation the regulatory framework will require updating in certain areas and accordingly, appropriate work programmes will need to be developed.

ComReg has recently issued a paper concerning the Future Framework for the Regulation of Universal Service in the Irish. The paper deals with a number of important consumer issues, many of which were identified in Section 3.3.2.

A further consultation dealing with other consumer issues will be published shortly and will deal with issues such as consumer contracts, transparency and publication of information, quality of service monitoring and dispute resolution procedures.

In light of our overall consumer aims and the impact of the new EU regulatory framework, the following highlights a non-exhaustive list of area which will form part of ComReg's future consumer work programme.

Implementation of New Universal Service Framework

- Implementation of the new Universal Service Framework, including designation of the universal service provider for the provision of telephone lines, public payphones and directory information services and to ensure that disabled users have access to the above services on a basis similar to that enjoyed by other users.
- Implementation of User measures contained in the Universal Service Directive which are principally geared towards the protection of end users and the provision of clear information. This may include work regarding
 - Operators' requirements to publish codes of practice for complaint handling
 - Operators' requirements to provide services in accordance with a written contract containing a specified minimum set of terms and conditions.
 - Transparency of information for users
 - Review of ComReg's consumer complaints role (see below).

Control of Expenditure

- Possible implementation of appropriate measures to allow users to control expenditure. This may involve work on
 - **Itemised Billing:** a minimum level of itemised billing to be provided to consumers free of charge.

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- **Selective Call Barring:** the ability of the subscriber to bar outgoing calls of defined types or to defined numbers free of charge.
- **Pre-Payment Systems:** a facility to allow consumers to pay for access to and usage of the network/services on pre-paid terms.
- **Phased Payment of Connection Fees:** the facility whereby consumers can pay for their connection fees on a phased basis.
- **Non-Payment of Bills:** measures to cover disconnection in the event of the non-payment of bills (in effect, a disconnection policy).

Consumer Complaints

- An examination by ComReg of its consumer complaints role, in light of impending changes to national legislation.

Consumer Awareness

- The publication of consumer awareness guides, as appropriate, for a number of the aforementioned areas in order to ensure consumers are provided with sufficient information to inform their purchasing and other related decisions.
- Publication of Quality of Service Information

Finally, as indicated in the introduction, ComReg would welcome reader's feedback on this document or any aspect of it and/or alternative opinions about operation of the new legislative framework.

7 Appendix 1 - ODTR Complaints Procedure

7.1 Issues to consider before contacting ComReg

1. The consumer must have contacted the operator concerned

The primary point of contact for any consumer complaint or query is always the service provider concerned. However, if the consumer is not satisfied with the operator's response the consumer can contact ComReg to seek advice on alternate avenues of redress. If the complainant has not contacted the operator concerned then ComReg will always refer the consumer back to their operator to register their complaint.

2. The complainant must have exhausted all levels of the operator's complaint handling process

Every licensed operator has adopted codes for handling consumer complaints and this can be requested from an operator at any time. Within this code each operator has defined an internal escalation procedure for consumer complaints. Consumers who are dissatisfied with the initial response to their complaint can request that the complaint is escalated to a higher level within the organisation for further examination.

3. The complaint should be covered by the remit of ComReg

Depending on the issue at hand, ComReg may not be in a position to act upon specific types of complaints. If the complaint falls outside the remit of this Office then ComReg will advise the consumer of an appropriate point of contact for their complaint or query.

ComReg realises that consumers often contact a regulatory body due to frustration and dissatisfaction with the response received from their operator in relation to their complaint. Upon initial contact, ComReg will seek to assist the consumer by explaining what an operator's obligations are and offer a realistic expectation of the likely outcome of their complaint, if known. ComReg's complaints procedure as set out in section 7.2 aims to ensure that the consumer's frustration is not exacerbated by further delays. ComReg will not deal with complaints of a frivolous nature.

ComReg also wishes to ensure that unnecessary contact with multiple regulatory bodies is avoided. Table 1 below contains a list of bodies, other than ComReg, who may, depending on the nature of your complaint, be in a position to assist you.

Table 1: Alternative Consumer Organisations

Contact	Contact Details	Function
<i>Advertising Standards Authority for Ireland (ASAI)</i>	ASAI IPC House, 5 -39 Shelbourne Road, Dublin 4. Tel: +353 (01) 660 8766. Email: info@asai.ie	Consumers can contact the ASAI when they consider that an advertisement or sales promotion is in breach of the ASAI self regulation code
<i>Broadcasting Commission of Ireland</i>	BCI, Marine House, Clanwilliam Place, Dublin 2. Tel:+353 (01) 6760966 Email: info@bci.ie	The BCI is responsible for licensing, monitoring and the development of independent broadcasting in Ireland. Its functions include the licensing of new television services on terrestrial, cable, MMD, and satellite platforms, as well as the development of codes of programming and advertising standards for television and radio services
<i>European Consumer Centre</i>	The European Consumer Centre 13A Upper O'Connell Street Dublin 1 Tel: +353 (01) 8090600	The European Consumer Centre's in Ireland offers free and confidential information and advice on consumer issues in Ireland and other European Member State countries.
<i>Office of the Data Protection Commissioner</i>	Office of the Data Protection Commissioner Block 4 Irish Life Centre Talbot Street Dublin 1 Tel: +353 (01) 874 8544	The Data Protection Commissioner will help consumers by ensuring that your legal rights are fully upheld, and that organisations meet their obligations under the Data Protection Act.
<i>Office of the Director of Consumer Affairs</i>	ODCA 4 Harcourt Street Dublin 2. & 89-90 South Mall Cork Tel: 1890 220 229	The ODCA's broad function is to inform the public of their rights as consumers and to conduct investigations into possible breaches of consumer protection legislation.
<i>Regtel</i>	Regtel Crescent Hall Mount Street Dublin 2 Tel: 1850 741 741	Regtel is the independent regulator for content and promotion of premium rate telecommunication services. Complaints regarding call charges are outside the remit of Regtel.
<i>Small Claims Court</i>	Contact your local District Court	

4. Services for which complaints may be accepted

Complaints should relate to the fixed or mobile telecommunications sectors and the television distribution (ntl, Chorus) sectors, and should relate to an area over which ComReg has regulatory control.

5. ComReg will generally only deal with the account holder

For reasons of confidentiality and privacy, ComReg can only deal with the account holder when dealing with issues in relation to a specific account. In certain circumstances, ComReg may accept written confirmation from the

ComReg’s approach to consumer issues in the Irish communications market account holder that they have authorised another person to act upon their behalf.

6. Complaints received through a Third party

ComReg may at times receive consumers complaints through a third party e.g. Office of the Director of Consumer Affairs, legal representative or a users group. In these instances complaints which have been originally sent to one organisation may have been deemed more appropriate for ComReg to handle.

In such circumstances ComReg will always revert to the consumer to confirm the details of the complaint and to ensure that the consumer has exhausted the operator’s complaint handling procedures.

7. Compensation

ComReg does not currently prescribe monetary compensation as a remedy for a complaint.

8. Legal Matters

In some circumstances, consumers may contact ComReg with a view to instigating legal proceedings against an operator. In this situation, ComReg can advise consumers as to an operator’s regulatory obligations. We will not provide legal advice or express a view as to the merits of a case. If proceedings have already been initiated ComReg will not be in a position to pursue the matter with the operator.

9. Expectations of complainant

The consumer should have a clear idea on what they hope to achieve by engaging ComReg. ComReg welcomes all consumer feedback and will record complaints in a database for tracking and analysis purposes. In submitting a complaint the consumer authorises ComReg to provide any information submitted to the operators concerned. This information will not be shared with any other third party. Trend analysis is carried out on a regular basis and operators are informed where systematic problems are identified. Any performance concerns are highlighted and, where considered appropriate, remedial action is requested.

7.2 Steps in ComReg’s complaint process

Figure 1: Complaint Handling Steps



Figure 1 above sets out the main steps in ComReg’s complaint handling process. These are explained in more detail below.

7.2.1 Step 1: Contact by Consumer

Consumers with complaints and queries can contact ComReg with complaints regarding licensed operators in a variety of ways:

Phone	Lo Call 1890 229 668
Fax	00 353 1 8049680
Email	mailto://consumerline@comreg.ie
Letter	Commission for Communications Regulation Market Operations Consumer Management Area Irish Life Centre Blocks D, E & F Lower Abbey Street Dublin 1

When contacting ComReg the consumer should provide the following details in relation to their complaint

- Contact Telephone Number
- Customer Account Number and/or Service Order Number
- Operators Unique complaint reference number (provided when you complain to the operator)
- Details of complaint and number of occurrences
- Details regarding previous dealings with operator and any records of such dealings

7.2.2 Step 2: Complaint Assessment

Many complaints are assessed immediately and the consumer is quickly advised of the most appropriate course of action to be taken. Depending on the complexity of the issue, ComReg may need to consult internally before advising on an appropriate course of action. ComReg will ensure that the consumer is kept informed at all times while complaints are being assessed within this office.

7.2.3 Step 3: Acknowledge and Advise

Once a complaint is added to ComReg's database the consumer is issued with a unique reference number for their complaint. ComReg then acknowledges the consumers complaint and advises on any course of action that will be taken as part of the complaint process.

A consumer complaint received via telephone, email and fax will be acknowledged by ComReg within 24hrs or on the next working day. For complaints received via letter an acknowledgement will be posted to the customer within 48 hours (or two working days).

7.2.4 Step 4: Referral

When deemed appropriate certain complaints are referred to operators once it is clear that the consumer has exhausted the operator's internal complaints handling procedures. If, on referral, the operator advises that the consumer has not contacted them regarding the complaint, then ComReg will revert to the consumer and advise that they contact their operator directly.

On referral, an operator takes responsibility for resolution of the consumers' complaint. The operator deals directly with the consumer and advises ComReg on the status of the complaint during the process and finally when resolved. ComReg cannot advise a specific timeframe for resolution of complaint that has been referred to a licensed operator. Resolution relies on the operators internal complaint handling procedure, however, informal inter ComReg - operator complaint referral procedures have been agreed in order to ensure the efficient management of referred complaints.

The following tables set out the maximum target times for operator response to consumers as part of their own complaint handling process (as set out in their codes of conduct for handling consumer complaints).

Table 2: Operator response time for fixed operators

Category of Complaint	Target Response Time
Billing	Within 5 working days – with no disconnection while a bona fide dispute is unresolved provided complainants have paid the undisputed portion of an account.
Service Degradation	Immediate response with the objective that service not be lost for more than 24 hours.
Repair	Arrange for a call out within 2 working days. If it is not possible to rectify the fault immediately the customer must receive a new timescale for the restoration of service to required standard.
Installation	10 working days
Miscellaneous	10 working days

Table 3: Operator response time for mobile operators

Category of Complaint	Target Response Time
Billing	Within 5 working days – with no disconnection while a bona fide dispute is unresolved provided complainants have paid the undisputed portion of an account.
Network Quality/Coverage	Immediate response with the objective that service degradation is rectified within 6 hours.
Roaming	Within 5 working days
Handset	10 working days
Other	10 working days

Table 4: Operator response time for Cable/MMDS television service providers

Category of Complaint	Target Response Time
Billing complaints/queries	Within 5 working days – with no disconnection while a bona fide dispute is unresolved
Service (network failure)	Immediate response with objective that service not be lost for more than 24 hours
Service (necessitating access to customer’s premises and assuming access is possible)	<ul style="list-style-type: none"> • To arrange for call out within 2 working days for cable • To arrange for call out within 5 working days for MMDS • If not possible to rectify service fault, customer to be given written explanation and proposals (including timescale) to restore service to required standard.
Installation, Transfer, and Disconnection	To be dealt with within 10 working days
Other complaints	To be dealt with within 20 working days

7.2.5 Step 5: Follow up

Once an operator advises ComReg that a consumer’s complaint has been resolved ComReg will then contact the consumer to assess satisfaction and advise other avenues of redress if required.