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From:
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Response to :
**Recommendation of the
Eastern Caribbean Telecommunications Authority (ECTEL)
To the National Telecommunications Regulatory Commissions to consult on the
Revised and Updated Electronic Communications (Quality of Service) Regulations
January 2023
No.1/2023**

Question 1: Do you consider it reasonable to define a national level reporting area, comprising the entirety of each individual state, in the draft revised and updated regulations? Should the reports also cover any sub-national areas? Over the last 2 weeks in Saint Lucia a "baton relay" was held to celebrate the 44th anniversary of Independence. Parts of this, from populated areas, were broadcast live. The broadcast was frequently interrupted at points where there was no signal. I propose this as evidence of the need for sub-national areas to be identified by consultation. The regulations should protect ALL citizens, no matter where they live.

Question 2: Do you find it useful that NTRCs monitor the licensees' QoS parameters?
Yes

Do you agree with the provisions set out in the Regulations regarding QoS monitoring by the NTRCs? Yes but

Would you propose any modifications to those provisions? Is there any way to include the citizen/customer/end user in the monitoring process?

Question 3: Do you find the definition of monitoring parameters reasonable?
What process would the NTRCs use to monitor these parameters? Is there a need for a reporting/complaints obligation for the citizen/customer/end user? (See also Q11) There is no obligation for the NTRC to monitor what the licensee will report on – language is "may". How then can it consistently verify under Q11??

Question 4: Do you find the publication process of results to be reasonable? Yes

Question 5: Do you find the process outlined in this regulation reasonable? Would it be very cumbersome to create an advisory body charged with representing the citizen/customer/end user constituency in such a process? I support public consultation but it is very slow and not always as inclusively representative as it should be.

Question 6: Do you find the proposed record keeping period reasonable? I would prefer a longer period. Does 18 months correspond with the requirement for other types of record (not about telecommunications) in the country? Legal processes move very slowly here.

(5.11.1 and 5.11.2 are duplicates??)

Question 7: Do you find a period of three (3) months reasonable for reporting QoS parameters? Yes

Question 8: Do you find it reasonable to require that the report on QoS performance should be submitted within a month from the end of the reporting period? Yes

Question 9: Do you find the information required in the QoS reports reasonable? Yes

(There do not seem to be any provisions for the Commission to report on the results of its own monitoring? Unless this is intended by (see highlight) 8.2: (2) The Commission shall publish online, including on its website, the information provided by a licensee on approval by the Commission or resulting from measurements conducted by the Commission on the overall level of an electronic communications service being offered to customers; Does this need to be made clearer? The monitoring results will be of interest to licensees and citizens/customers/end users.)

Question 10: Do you consider the obligation imposed on licensees to assign a senior accountable officer as a contact person reasonable? Yes. Should there also be an assigned alternate to that officer to cover leave/illness etc.?

Question 11: Do you find the process to verify the qos report useful and complete? Would you propose any modifications to the process or the associated provisions? (Cross refer to Q3) While I agree with the verification process it would seem to require the NTRC to carry out continuous monitoring of the parameters to be reported by the licensees. Is this a reasonable requirement? Is it feasible to build in a requirement that the NTRC carries out random monitoring of what is to be reported by the licensees? The burden on the NTRC should not be made unbearable, but the verification requirement is important and must be achievable.

Question 12: Do you find the definition of Force Majeure in regulation 3 reasonable? Do you agree with the proposed provisions and the procedure required for licensees to obtain a Force Majeure exemption as stipulated in regulation 14?

I can see that this requirement is necessary. However it may not be practicable in the event of a major force majeure eg a hurricane. Particularly I refer to the "notification in writing" and the 3 day stipulation. Since such catastrophic events are mentioned in the definition is there a way to offer some easement in the language of the regulation to provide for really extreme conditions?

Question 13: Do you find the advance notice of planned interruptions reasonable?

This is a small place with many small businesses becoming more and more dependent on the technology. Lucelec (and I think WASCO??) still use the old technology of someone driving round with a loudspeaker to announce a coming interruption in service. Failing Radio Saint Lucia this may still be the most effective way of informing people. Facebook is **NOT** ubiquitous. Planned interruptions seem to be blessedly rare – so far. It would not be unreasonable then to require some extra effort.

Question 14: Do you consider the proposed regulation reasonable? Yes

Question 15: Do have any suggestions on the Force Majeure Certificate and Force Majeure Non-Certificate prescribed forms?

1. Particulars of the Force Majeure event – including date and time when it occurred.

Shouldn't there also be a form on which the licensee makes the original report?

Question 16: Do you agree with the exclusion of the above-mentioned parameters from the QoS Regulations?

Advance notice of planned interruptions – if this isn't included in the parameters how can it be regulated? (see Q13 above)

Since work began on this Bill in 2011 (??) there has been a concern about the weakening of protection for the citizen/consumer/end user. The 3 points in 5.50.1 seem relevant to this concern. The first is covered by "planned interruptions" see Q13 above, but the second and third are not allowed for. The second deals with rate changes, the third with privacy. Both would seem to form a part of "customer satisfaction". Both need to be covered somewhere.

Question 17: Should any other parameter be excluded from the QoS Regulations? No comment.

Question 18: Do you have any other comments on the proposed revised and updated draft Electronic Communications (Quality of Service) Regulations, which have not been discussed previously?

I have mentioned above the need for more active participation in this debate from the citizen/consumer/end user. The Regulator's function is to maintain a balance between the Licensee and the Government acting on behalf of the Citizen. While the Regulator protects the Citizen from bad actions on the part of the Licensee, the Citizen needs to learn his/her responsibilities and obligations that form part of that protection.

Deirdre Williams
23rd February, 2023.