

The Office of Utilities Regulation (OUR) has directed

Telecommunications providers to give their customers clearer information about their offerings and

packages. The OUR has determined that as a general rule, information provided to customers about

packages and services, shall include any limitation that may apply in the use of the service.

The decisions arose from an investigation conducted by the OUR following increasing complaints from

FLOW and Digicel customers about unexpectedly high bills for post-paid subscribers and rapid credit

depletion in the case of pre-paid subscribers. Noting the increased complaints, the OUR conducted a survey

to gauge the depth and nature of customer issues, and published a consultation document, inviting

comments from industry stakeholders and the public. Specifically, consumers complained about:

- ☐ High unexpected call charges;
- ☐ Non-receipt of notification when data credit is nearly exhausted, or has been exhausted;
- ☐ Incidents of rapid credit depletion when credit is applied for data use; and
- ☐ Exhaustion of data plan/credit when 'mobile data' was disabled on their devices.

The mandate to the telecoms companies is set out in the OUR's latest Determination Notice, 'Improving Information Transparency in Telecommunication Markets' released on 2020 June 18. The

decisions of the OUR should be implemented by telecommunications providers within four (4) to eighteen

(18) months after publication of the Determination Notice. This timetable takes into account the varying

degree of changes that will be required by telecoms providers to comply with the stipulations of the

Determination. The OUR will update the public closer to each expected implementation date so that

customers can hold their telecoms providers accountable.

Among the OUR's decisions are that:

i. For bundled and unbundled packages, service providers shall make available to consumers, information that is clear and current, pertaining to applicable prices and tariffs for their services.

Where information about the service is provided using SMS, an option to request additional information shall be included, at no cost to the customer. The information should include:

i. Description of service

ii. Applicable taxes

iii. A breakout of charges for access, usage and/or maintenance, if applicable

iv. The details of any cap that may apply to each service in a bundled package such as inclusive minutes, SMS, and data limits.

ii. Where service providers provide information in SMS (text) and advertisements, it should include:

accurate and full information regarding the service and the price of the service. Where there is

limited text or advertising space, service providers must disclose how customers can access additional information free of cost.

iii. Service providers shall offer financial (price) caps for all new post-paid contracts, after requesting

information from the customer on the cap to be applied. Customers will have the right to opt out of

financial caps for all services.

iv. Service providers must provide information to customers who wish to roam, using the media

stipulated by the OUR. This information should include the structure and billing units of international roaming rates. This information shall include the basis for charging for voice services,

SMS and data services.

v. Customers must be made aware of the risk of automatic roaming including information on how to

switch off data and voice roaming services and how to deactivate voicemail.

vi. Service providers shall send notifications via SMS (text) to consumers upon activation of a roaming

plan and upon the start of roaming (upon landing in the roaming jurisdiction). These notifications

will be free of charge.

vii. Customers should be sent usage notification alerts for data, voice and SMS usage at 60%, 80% and

100% of their usage/expenditure threshold. Usage alerts for prepaid services may be sent in the

format (e.g. remaining value of minutes, data and SMS) deemed most suitable by the service

provider.

Access the full Determination Notice on the OUR's website: www.our.org.jm.

BACKGROUND

In 2019 June, the OUR invited public comments on its proposals to improve transparency in regards to the

information provided on service offerings and packages in the telecommunications sector, following

increased complaints about unexpectedly high bills for post-paid subscribers and rapid credit depletion in

the case of pre-paid subscribers.

In deciding to investigate this matter, the OUR noted that the telecommunications sector has seen the

introduction of various new product and service offerings providing more options for consumers, which if

not properly understood, can result in both pre- and post-purchase challenges.