

TELECOMMUNICATIONS REGULATORY COMMISSION  
VIRGIN ISLANDS

TELECOMMUNICATIONS CODE – PART \_/2010:

PROCEDURES FOR INVESTIGATION OF COMPLAINTS BY CONSUMERS,  
FACILITATION OF RELIEF AND RESOLUTION OF RELATED DISPUTES

CONSULTATION DOCUMENT

June 10, 2010

Reference Number: C/02/2010

The address for responses to this document or enquires regarding this document is:

Consultation – Procedures for Investigation of Complaints by Consumers,  
Facilitation of Relief and Resolution of Related Disputes  
Telecommunications Regulatory Commission  
P.O. Box 4401 or 27 Fish Lock Road, 3<sup>rd</sup> Floor  
Road Town, Tortola, British Virgin Islands VG 1110  
Fax: (284) 494 6786; E-mail: consultations@trc.vg

The deadline for responses is **08-07-2010**



## Instructions for submitting a response

The Telecommunications Regulatory Commission of the Virgin Islands (“TRC”) invites comments on this consultation document from all interested parties.

Comments should be submitted by **08-07-2010**.

Preferably responses to this document should be sent by email to [consultations@trc.vg](mailto:consultations@trc.vg) (indicating the subject: “Consultation – “Procedures for Investigation of Complaints by Consumers, Facilitation of Relief and Resolution of Related Disputes”).

Alternatively, the responses may be sent to the address (or the number) below:

Consultation – Procedures for Investigation of Complaints by Consumers,  
Facilitation of Relief and Resolution of Related Disputes  
Telecommunications Regulatory Commission  
P.O. Box 4401 or 27 Fish Lock Road, 3<sup>rd</sup> Floor  
Road Town, Tortola, British Virgin Islands VG 1110  
Fax: (284) 494 6786

Responses should include:

- In the case of responses from corporate bodies (legal persons):
  - the name of the company/institution/association/other organisation;
  - the name of a principal contact person; and
  - full contact details (physical address, postal address, telephone number, fax number and email address).
- In the case of responses from individual (natural) persons, name and contact details (including email).

In the interest of transparency, the TRC will normally make all submissions received available to public, subject to confidentiality of the information received. The TRC will evaluate requests for confidentiality according to relevant legal principles.

Respondents are required to clearly mark any information included in their submission which they consider to be confidential, and provide reasons why that information should be treated as such. Where information claimed to be confidential is included in a submission, respondents are required to provide both a confidential and a non-confidential version of their submission. The TRC will determine whether information claimed to be confidential is to be treated as such and, if so, will not publish that information. In respect of information that is determined to be non-confidential, the TRC may publish or refrain from publishing such information at its sole discretion.

Once the TRC has received and considered responses to this consultative document, it will issue a report on the consultation and the final version of Telecommunications Code – PART \_/2010: Procedures for Investigation of Complaints by Consumers, Facilitation of Relief and Resolution of Related Disputes.

## **1. Introduction and Background**

One of the objectives of the TRC, as stated in its Work Programme published on 9<sup>th</sup> September 2009, is to implement proportionate measures to achieve a basic level of consumer protection that market forces alone would not provide. In this context, an important element of such an objective is to provide consumers with an effective avenue to defend their rights.

Sections 6 (m) and (n) of the Telecommunications Act, 2006 (No. 10 of 2006) explicitly mandates the TRC to investigate complaints of consumers, facilitate relief as well as establish relevant procedures<sup>1</sup>. Establishment of such procedures have also been included in the TRC Work Programme (4.2) with an objective to ensure that consumers can obtain expedient and appropriate remedy in case their rights are infringed. Section 91 (3) of the Telecommunications Act, 2006 provides the TRC with broad rights to issue, supplement or update such guidelines, standards and other requirements relating to telecommunications as the Commission thinks fit.

The Procedures proposed would establish a clear process for investigation of complaints by consumers, facilitation of relief and resolution of related disputes for the Commission and licensees to follow in respect to such complaint. They would also set out general duties of licensees with the purpose to ensure effective functioning of the system for investigation of consumer complaints.

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<sup>1</sup> Section 6 (n) of the Telecommunications Act, 2006 also refers to disputes related to “other persons”.

It is proposed that in the first instance a consumer complaint should be resolved by a licensee. A complaint shall be investigated and resolved in a timely manner. When a consumer is dissatisfied with a resolution of a complaint, such a complaint may be submitted to the Commission for further action. The Commission will investigate a complaint following the procedures proposed. An outcome of an investigation may be a mandatory decision and/or a recommended course of action.

## **2. Proposed Measure**

Based on the above, the TRC proposes to issue Procedures for Investigation of Complaints by Consumers, Facilitation of Relief and Resolution of Related Disputes (Telecommunications Code – PART \_/2010). It is proposed that these Procedures will be implemented as part of the Telecommunications Code, in the exercise of the powers conferred on it by sections 6 (m) and (n) as well as 91 (3) of the Telecommunications Act, 2006 (No. 10 of 2006).

## **3. Consultation**

The TRC hereby consults on the draft Telecommunications Code – PART \_/2010: Procedures for Investigation of Complaints by Consumers, Facilitation of Relief and Resolution of Related Disputes. Comments from all the interested parties are welcome. Responses should be submitted as per the instructions above.