



Fair Trading Commission

Consultation Paper

STANDARDS OF SERVICE

FOR

CABLE & WIRELESS (BARBADOS) LIMITED

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This Consultation Paper is not a legal document and does not constitute legal, commercial or technical advice. The Commission is not bound by this document. The consultation is without prejudice to the legal position of the Commission or its rights and duties to regulate the telecommunications market generally.

SECTION 1 - STANDARDS OF SERVICE

1. BACKGROUND

The functions of the Fair Trading Commission (the Commission) encompass the important aspect of the setting of standards. Section 3(1) of the Utilities Regulation Act, CAP. 282, states that the Commission shall:

- (a) determine the standards of service applicable;*
- (b) monitor the standards of service supplied to ensure compliance; and*
- (c) carry out periodic reviews of the rates and principles for setting rates and standards of service.*

Section 4 of the Utilities Regulation Act CAP 282 notes that in determining standards of service the Commission shall have regard to:-

- (a) the rates being charged by the service provider for supplying a utility service;*
- (b) ensuring that consumers are provided with universal access to the service supplied by the service provider;*
- (c) the national environmental policy; and*
- (d) such other matters as the Commission may consider appropriate.*

Rule 63 of the Utilities Regulation Procedural Rules 2003, S.I. 2003 No. 104 indicates that service standards may include issues such as:

- (a) *Universality of service;*
- (b) *The provision of new services;*
- (c) *The extension of services to new customers;*
- (d) *The maximum response time permitted for responding to customer complaints; and*
- (e) *Standards related to service quality which are specific to each sector.*

The purpose of identifying Service Standards is to:

- i) Ensure that a minimum Quality of Service is maintained by the service provider and provide incentives for improvement in the standards of service.
- ii) Create conditions for customer satisfaction by making known the quality of service which the service provider is required to provide and the user has a right to expect.
- ii) Measure the Quality of Service provided by the Service Providers from time to time and to compare them with the norms so as to assess the level of performance.
- iii) To generally protect the interests of consumers of telecommunications services.

Under Statutory Instrument (S.I.) No. 108 Telecommunications (Regulated Services) Order 2003, the following categories of telecommunications services were determined to be subject to regulation by the Commission:

- (a) *International telecommunications services;*
- (b) *Domestic voice telecommunications services;*
- (c) *Services in respect of interconnection charges;*
- (d) *Leased circuits; and*
- (e) *International simple resale*

The Commission therefore has responsibility for determining and monitoring standards of service offered and carrying out periodic reviews of the standards for service for utilities under its jurisdiction.

The Commission, as the regulator of telecommunication services is seeking to establish standards of service for regulated telecommunications services provided by Cable & Wireless (Barbados) Limited (Cable & Wireless).

When customers apply to Cable & Wireless for telephone services, they should be given a copy of the company's terms and conditions of service¹ as well as the company's service charter. The terms and conditions of service agreement is a written contract which sets out the rights and obligations of each party to the agreement. This agreement also acts as a guarantee to customers as to the level of service they can expect from the company.

The customer service charter is a pledge made by Cable & Wireless to its customers. It sets out the standard of service customers can expect from Cable & Wireless. In this document which is prepared for both business and residential

¹ The Commission is currently reviewing the Cable & Wireless (Barbados) Ltd. terms and conditions of service and may issue a consultation paper as appropriate.

customers, the company undertakes to continually update these standards in order to improve service to customers.

Notwithstanding the company's own efforts with respect to its terms and conditions of service and its service charter commitments the Commission in accordance with section 4 (4) of the Fair Trading Commission Act, CAP. 326B, is obligated to consult with service providers, representatives of consumer interest groups and other parties when determining the standards of service applicable to service providers. The standards proposed in this consultation paper will take into consideration:

- consumer welfare;
- issues that have been brought to the Commission's attention through complaints or queries;
- the capacity of the firm;
- the interests of other stakeholders (competitors, government and other interested parties); and
- information provided by the company.

2. REVIEW OF ALTERNATIVE APPROACHES

The development of service standards for telecommunications in Barbados must be tailored to the unique situation in the jurisdiction, but guided by international best practices.

There are alternative approaches, to the establishment of quality of service standards and these may be categorised as follows:

Publication of Information

This involves the publication by firms, of levels of quality performance in categories where no specific standards for performance have been stipulated by the regulator. Its *benefits* include low costs of monitoring and enforcement. The *constraints* of this system include the fact that customers are not compensated for poor service. Further the company has an incentive to concentrate resources in areas in which acceptable performance is possible. According to the International Telecommunications Union (ITU):

“where competition is sufficient, mandatory prescription of minimum quality of service standards should not be necessary but publication of performance data may be.”²

Minimum service standards

Telecommunications companies may be required as a condition of their license to provide a specific appropriate level of service. Penalties may be imposed for failure to comply through the loss of the license. One constraint is that the specification of standards of service allows the utility limited scope in making decisions and may limit innovation. Alternatively, this approach would be desirable to ensure equity throughout the sector and minimum acceptable standards which would benefit all customers.

² Trends in telecommunications reform 2002. International Telecommunications Union pp. 88

Comparative performance monitoring

This involves the following:

- Monitoring and reporting of defined quality of service indicators.
- Comparison of performance of telecommunications firms across the sector.
- Justification by service providers of their performance.

This approach has the advantage of isolating under performers and as such may provide an incentive for them to improve their performance. However, it is limited in that it provides no financial incentives for utilities that are not subject to competition.

Customer empowerment

Customer empowerment measures include approaches to boost the position of consumers when dealing with large utilities. Specific methods of achieving this include customer education, which may be used to ensure that customers have better information about the standards expected of utilities and how to obtain a remedy. Another option may be the use of an ombudsman or other arbitrator to investigate and arbitrate customer complaints and disputes in industries where customers encounter large and complex business.

Required service standards and compensation

Service standards may be generally categorized as guaranteed and overall standards.

Guaranteed standards are customer specific quality of service standards which if not observed, require the service provider to make a monetary compensation to the affected customer. The ITU notes that fines remain the most common means of enforcing compliance with minimum quality of service standards.

Overall standards are general in nature and not customer specific. Monetary compensation is not required when the service provider performs below the prescribed levels.

The approaches outlined above are not mutually exclusive and a hybrid system may be implemented, where considered appropriate. The type of service standard system which is eventually selected must be such that it can be monitored with efficacy.

The Commission is seeking to establish standards in the provision of regulated services. The Commission will also seek to ensure that the Company publishes at least a minimum level of information on proposed and attained standards of service.

Prior to the implementation of a service standards scheme, the Commission will take into account the financial position and generally the resources (both human and capital) of the company. In so doing, the company's ability to successfully participate in the system will also be borne in mind.

3. SERVICE STANDARDS

3.1 Extent of Standard Setting

Initially, the Commission will develop basic standards for domestic fixed voice telephony and standards for other services³ will be added as deemed necessary.

This position has some support from the ITU⁴ which has indicated that globally quality of service regulation is focused on basic telephone service offerings of dominant service providers.

In accordance with Section 4 of the Utilities Regulation Act CAP 282, the Commission in developing standards should take into consideration rates, universal access and the environmental policy of the country.

Regarding *rates*, these will be closely monitored by service providers to ensure their appropriateness, insofar as an equitable return is accrued by the firm. Customers will also be concerned about rates as they will be willing only to pay a price commensurate with the service they receive. In deciding on the service standards, the rates will be important insofar as the quality of the service offered is not significantly at variance with the prices demanded. Further, where penalties are thought to be appropriate, the present rates for the services should be considered and punitive measures not levied without reference to these rates.

³ The Commission has also recently approved quality of service standards for carriers interconnecting with the Cable & Wireless network in the Reference Interconnection Offer (RIO) for Mobile Carriers in its Decision dated October 28, 2003

⁴ Trends in Telecommunications Reform 2002. International Telecommunications Union.p. 87

3.2 Quality of Service under Proposed Price Cap

The Commission has determined that it will implement the Price Cap system of regulation. The consultation period for the Price Cap system will run from September 6, 2004 to October 15, 2004. Copies of the consultation paper are available from the Commission⁵. In this consultation paper the Commission intends to facilitate a broader discourse on the standards of service that are likely to be implemented under the Price Cap regime.

In a price cap regulatory framework it is important for the regulator to ensure that quality does not fall below minimum level throughout the length of the plan therefore the regulator may incorporate a quality of service factor in the Price Cap formula. The inclusion of a quality of service factor may be done by:

- establishing a series of QOS targets and assessing them individually;
- determining a series of QOS targets with preset penalties or incentives; or
- by
- including a QOS variable in the Price Cap formula.

The last option can be complex and very few regulators have integrated QOS and Price Cap regulation in this manner.

The Commission is minded to incorporate quality of service regulation with the Price Cap Plan by establishing a minimum set of service standards and a Code of Practice. This paper will discuss the different elements of these proposed standards.

⁵ Consultation Paper Price Cap Mechanism., Document No. FTC/CONS02/04

Q1. Do you agree with the Commission's suggestion that quality of service issues should be excluded from the Price Cap formula and dealt with through a series of guaranteed and overall standards with appropriate penalties and rewards based on performance? If you disagree with this approach please explain what alternative approach you would recommend and why.

3.3 Cable & Wireless Customer Service Charter

The Commission notes that Cable & Wireless (Barbados) Limited has produced Customer Charters for business and residential customers. In the Business Customer Service Charter Cable & Wireless (Barbados) pledged to guarantee to delivery of service as follows:

- a) respond to the needs in a friendly and attentive manner;*
- b) deliver the service and repairs within the times given on the chart;*
- c) have persons available to receive fault reports 24 hours a day, everyday of the year;*
- d) keep the customer informed; and*
- e) offer the broadest possible range of products and services.*

Cable & Wireless (Barbados) Limited pledged delivery of regulated service to residential and business customers in the following as outlined in the below:

Summary of Customer Service Charter

Maximum Service Delivery Times

Service Type Times	Delivery Times	
	Business	Residential
<i>Telephone Line</i>	7 working days	15 working days
<i>Local Private Wire</i>	7 working days	-
<i>Telephone Features Hours</i>	8 working hours	8 working hours
<i>Voice Mail Hours</i>	8 working hours	12 working hours
Maximum Repair Times		
<i>Telephone Line</i>	8 working hours	12 working hours
<i>Local Private Wire</i>	8 working hours	-

Where no installation charge applies, the customer is entitled to a rebate of the first month's rental. Failure to repair your telephone line within 8 working hours (business) and 12 working hours (residential) entitles the customer to claim BDS \$20.00 (business) and \$10.00 (residential) for each additional 8 working hour periods (business) or 12 working hour period (residential) that the service remains unavailable. All accepted claims and rebates will be credited to the next bill.

Terms and Conditions for Customers

New Service delivery

Unless otherwise agreed the service delivery time will commence from the date the order is accepted and will be subject to a satisfactory credit check.

Guaranteed service delivery times for telephone lines only apply where capacity and service are available.

Fault Repairs

This applies to direct exchange lines only and does not apply to cellular or internet services.

Claiming Your Rebate

Claims can be made through our Customer Service Department by the person who rents the line. The claim must be made within two calendar months of the last day for which the claim relates.

Except as specifically indicated in this Charter, Cable & Wireless accepts no liability for failure to meet the Charter service levels.

Claims shall not apply where total loss of service is due to circumstances beyond the control of Cable & Wireless including, without limitation, hurricane, flood, fire, lockouts and industrial disputes, civil disobedience, major cable damage or total exchange equipment faults.

Q2. What are your views on the extent to which Cable & Wireless has addressed service standards through their Customer Service Charter? Please explain why you hold that view.

4. PROPOSED SERVICE STANDARDS FOR CABLE & WIRELESS (BARBADOS) LTD.

The Commission is also of the view that the Cable & Wireless Charter does not address enough of the company's service areas some of which are critical to customer welfare. **The Commission therefore proposes the following guaranteed and overall standards**, of which their definitions are given on page 8.

Table 1: Proposed Guaranteed Standards

SERVICE CATEGORY	TARGET	PENALTIES
Installation of Service The speed with which telecommunications service is installed, from customer's application for service and the actual provision of service.	Residential Customers < 15 working days. Business customers < 7 working days.	Rebate to customers of the installation charge.
Fault Repair The speed with which faults, causing the customer to be without service, are remedied	At least 80% of the faults should be repaired within a 24 hour period.	Refund of a proportion of next month's bill – commensurate with the days the subscriber is without service for more than 24 hours.
Loss of Service This refers to the frequency with which service is lost to the customer due to network or line problems.	90% of the faults should be cleared within 24 hours.	Refund of a portion of next month's bill – commensurate with the days subscribers is without service for more than 24 hours.
Response to Customer Queries The time period in which the company acknowledges and/or responds to customer's queries and complaints.	Responses to all customer queries should be prompt and succinct – a first response within 48 hours for telephone, faxed or email queries or complaints and within 7 days for written complaints or queries forwarded by post (regular mail).	To be determined
Customer Appointments Visits to customer location to satisfy a customer's request/queries.	All customers appointments should be honoured.	To be determined

Table 2: Proposed Overall Standards

SERVICE CATEGORY	TARGET	PENALTIES
Public Payphones The number of payphones which are fully functional on a daily basis.	At least 95% of the public payphones should be in working order daily.	To be determined
Call Completion This is the percentage of originated calls successfully completed during designated peak traffic periods	At least 95% of the calls should be completed during peak traffic.	To be determined.
Dial Tone Delay This is the percentage of attempted calls during peak periods affected by dial tone delay of 1-3 seconds.	No more than 2% of the calls should experience dial tone delay.	To be determined

With regard to the specific standards as they relate to these areas, although the Commission proposes some parameters, the decision on the final standards issued for the telecommunications sector will be influenced by the consultation process, where the opinions of the relevant stakeholders and interested parties are taken into consideration.

Penalties

The imposition of penalties has been suggested for some of the standards, however, the amount of a penalty may be decided in various ways including:

- An average of the customer's bill. With this approach, the level of compensation will vary.

- The specific standard that is violated, thus certain violations will attract higher penalties. The lack of uniformity with this system may render the scheme complex and difficult to understand and administer.
- A percentage of the customer's next bill or last bill. This may be construed as a situation which is inequitable.
- A predetermined fixed amount. Again this may be perceived as inequitable if the basis of the fixed amount is not clearly understood by all stakeholders.

Monitoring

Cable & Wireless will be required to submit mandatory reports to facilitate analysis by the Commission with respect to conformity to the targets stated.

It is proposed that reports be submitted to the Commission on a quarterly basis. These reports should outline for each standard, the degree to which the targets have been complied with and, where applicable, the amount of the monetary penalties which have been incurred.

The publishing of compliance reports is also proposed. This would be used to apprise consumers and other interested parties of the instances where Cable & Wireless meets or exceeds the standards.

5. CODE OF PRACTICE

The Commission is minded to require that Cable & Wireless develop and issue a Code of Practice to establish an improved level of communication and to clarify customer expectations and obligations in key areas of service delivery.

A code of practice should address at a minimum the following:

- a) Cable & Wireless' relationship to its customers;*
- b) How customers can communicate with Cable & Wireless;*
- c) Its customer service policy;*
- d) Service expectations;*
- e) Customer Rights & Obligations (Summary);*
- f) Environmental Duties & Concerns;*
- g) Special relationships (Disabled, Elderly, other special interest); and*
- h) How the company intends to handle customer complaints & queries*

Cable & Wireless' Customer Service Charter differs from the Commission's proposed Code of Practice in that it does not appear to address all the points listed above.

The options for the introduction of a Code of Practice are:

- (a) Voluntary development and introduction of a Code of Practice by Cable & Wireless;*
- (b) Mandatory development of Code of Practice; and*
- (c) Issue regulations on a code as provided for under the Consumer Protection Act.*

The Commission is also of the view that to the extent that Cable & Wireless accepts its proposals for a code of practice legislation may not be necessary.

The Commission is of the view that the current Customer Service Charter should be expanded to reflect critical standards of service issues and be consolidated into a Code of Practice between Cable & Wireless and its customers.

In order to ensure that the proposal for a Code of Practice represents a reasonable reflection of industry best practices the Commission examined a number of other international jurisdictions as described below.

Billing

The British Telecommunications Code of Practice⁶ provides information to customers regarding billing. The Code gives customers information respect to the following:

- (a) *When calls are normally processed.*
- (b) *What the phone bill should show. For example, the cost of call made from your phone line, services such as an enhanced maintenance and any phone or equipment rented, one off charges for connection services, discount savings, any amount owed to the customer and charge for calls to the customer.*
- (c) *The format in which the bill should be sent.*
- (d) *When the customer is required to pay.*
- (e) *Prices of services supplied.*

⁶ Please see BT Code of Practice <http://www.btplc.com/Thegroup/Regulatoryinformation/Codeofpractice/ConsumerCodeofPractice.htm>

The Office of Utilities Regulation in Jamaica⁷ (OUR) has included in its proposed Quality of Service Standards for Cable & Wireless Jamaica under Overall Service Standards a provision on billing accuracy. It was stated thus:

Billing accuracy is related to the accuracy of the company's billing of customers insofar as this will be reflected in their complaints about the accuracy of bills.

The objective of this Code of Practice is to minimise customer inconvenience by being as close to perfect as possible in supplying them with accurate bills on a consistent basis.

The projected target is that bills which contain errors should be 5 or fewer per 1000 bills generated and dispatched.

Keeping the customer informed

The Office of Communications (Ofcom)⁸ highlighted the need for adequate publicity and dissemination. Ofcom noted that in order for Codes of Practice to be meaningful, consumers must be aware of them. That objective may be carried out in a number of ways depending on the customer base of the provider. It was recommended that codes could be enclosed in the bills or referred to on the back of bills. They could be mailed out to customers at regular intervals. According to Ofcom the essential guideline is that all providers ought to find appropriate ways to make their customers aware of the existence of the code (and any updates to them) and should distribute these codes to them.

Ofcom also highlighted the need to make provisions for the dissemination of information to the disabled and elderly. Some of the issues raised for consideration were as follows:

⁷ Please see http://www.our.org.jm/pd/qor_cw_fin_Draft. 2001

⁸ Please see http://www.ofcom.org.uk/static/archive/oftel/publications/ind_guidelines/2003/cop0803.htm

- How consumers with disabilities can learn of the existence of the codes;
- Producing all information in an accessible way. e.g. good line spacing, using size 12 fonts, left line adjustment, sufficient contrast between type and background; etc.
- Availability of codes in alternative formats, e.g. large print, braille, audio tape;
- How such commitments will be fulfilled, e.g. on demand or holding versions in stock.

The Commission is of the view that bills should be accurate in order to allow customers to be confident that they know what they are paying for and that the billed amount is accurate. The Commission is minded to set an overall billing standard that requires that billing errors must be no more than 0.5% total bills issued .

Force Majeure: *Conditions and Exemptions from Standards*

The customer should be aware of the circumstances in which compliance is beyond the control of the operator. The Office of Utilities Regulation (OUR) Jamaica (in June 2001)⁹ has included these circumstances in its proposed service conditions code, and asserted that the burden of proof of uncontrollable forces ought to lie with the utility with the exception of the following events which will be deemed uncontrollable factors. They are as follows:

- Acts of God
- Actions taken by or against the Queen's enemies
- Riot
- Civil Commotion

⁹ Please see http://www.our.org.jm/pd/qor_cw_fin_Draft.PDF

- Strikes, lockouts, and other industrial disturbances
- Acts of public enemy
- Wars
- Blockades
- Insurrections
- Epidemics
- Landslides
- Hurricanes
- Lightning
- Earthquake
- Storms
- Floods
- Washouts
- Arrest and Restraints of Electricity
- Wartime or other emergency
- Embargo
- Trade restrictions
- Inability to obtain any requisite Government permits
- Breakdown of machinery or equipment or any other force or cause of similar nature not within the control of the company and which by the exercise of diligence it is unable to avoid, prevent or mitigate.

It was stated therein that, on receiving concurrence with the OUR that a force majeure condition exist, the operator will use the appropriate means to advise customers. In force majeure conditions, all reasonable endeavours must be made by the operator to restore service and in the shortest possible time.

The Commission agrees with the position adopted by the OUR in Jamaica and is minded to adopt a similar set of force majeure conditions.

The procedure that customers can expect when making a complaint:

The Commission also recommends that a standard of service denoting the procedure which customers can expect when making a complaint be included in the Codes of Practice. It is recommended that information pertaining to the expectation of the customer should also be included. For example, the customer should be advised in the code of practice of the importance of supplying documented information such as copies of their bills and letters. The rationale for making customers aware of the value of doing such, is that they shorten the time in which their complaint is processed by having the relevant documents at hand.

Q3. What are your views on the proposal to establish a Code of Practice for Cable & Wireless and its customers?

Q4. Do you think that the Commission should encourage Cable & Wireless to publish a voluntary Code or should it be legislated? Please give reasons for your view.

SECTION 2 - CONSULTATION PROCESS

6. CONSULTATION PROCESS

6.1 Background

The Fair Trading Commission established by the Fair Trading Commission Act, CAP 326B, is the independent regulator of international and domestic telecommunications services and electricity services.

In carrying out its duties as an independent regulator, the Commission must operate in a transparent, accountable and non-discriminatory manner. Consultative documents and the public consultation process are the main ways in which the Commission discharges its responsibilities relating to transparency and accountability.

In addition, the Commission is specifically charged under the Fair Trading Commission Act CAP 326B to consult with interested persons when it is discharging certain functions.

Section 4(4) of the *Fair Trading Commission Act, CAP. 326B* states:

“The Commission shall, in performing its functions under subsection (3)(a), (b), (d) and (f)¹⁰, consult with the service providers, representatives of consumer interest groups and other parties that have an interest in the matter before it.”

¹⁰ Section 4(3) of the Act states:

The Commission shall, in the performance of its functions and in pursuance of the objectives set out in subsections (1) and (2):

- (a) establish the principles for arriving at the rates to be charged by service providers;*
- (b) set the maximum rates to be charged by service providers; . . .*
- (d) determine the standards of service applicable to service providers; . . .*
- (f) carry out periodic review of the rates and principles for setting rates and standards of service of service providers.*

6.2 Consultative Documents

On important issues that arise in the regulation of the utility industries, the Commission may issue a consultative document, a public discussion paper, in which the Commission:

- (a) brings to public attention important issues relating to utility regulation to promote public understanding and debate;
- (b) puts forward options and/or proposals as to the approach to adopt in dealing with these issues, to seek to resolve them in the best interests of the consumer, the service provider and the society at large; and
- (c) invites comments from interested parties, such as consumers, service providers, businesses, professionals and academics.

The issues at hand will influence the nature of the document and its content. On some issues, the Commission may simply set out what it regards as the available options and, although there would be some analysis of the pros and cons of the options, it might be that no one option emerges as the favoured or proposed approach. On other issues, the Commission might set out a clear preference for a particular approach and invite comments on this basis.

The views and analysis set out by the Commission in a consultative document are intended to invite comments which may cause the Commission to revise its views.

The consultative document generally includes a series of specific questions on which the Commission is particularly seeking comments. To ease the task of

analysing comments, respondents should reference the relevant question numbers in the document. If they consider it appropriate, respondents may wish to address other aspects of the document for which the Commission has not prepared specific questions. Failure to provide answers to all questions will in no way reduce the consideration given to the entire response. Commercially sensitive material should be clearly marked as such and included in an annex to the response.

6.3 Responding to this Consultation Paper

The Commission invites and encourages written responses in the form of views or comments on the matters discussed in the Paper from all interested parties including Cable & Wireless (Barbados) Limited, other regulated or soon to be regulated utilities, other licensed operators, government ministries, non-governmental organisations (NGO'S), consumer representatives, residential consumers, business of all sizes and their representatives, the academic community and all other stakeholders.

The Consultation period will begin on **September 6, 2004** and end on **November 15, 2004 at 4.00 p.m.** All written submissions should be submitted by this deadline. The Commission is under no obligation to consider comments received after 4:00 p.m. on November 15, 2004.

Copies of this Consultation Paper can be collected between the hours of 9.00 a.m. to 4.00p.m, Mondays to Fridays during the consultation period from the Commission's offices at the following address:

Fair Trading Commission
Manor Lodge
Lodge Hill
St. Michael
BARBADOS

The Consultation Paper can also be downloaded from the Commission's website at <http://www.ftc.gov.bb>

Respondents to the Consultation may submit responses in electronic format. The Commission would prefer that email responses be prepared as word documents, attached to email cover letter and forwarded to: info@ftc.gov.bb

Responses can be faxed to the Commission using fax number (246) 424-0300.

Mailed or hand delivered responses should be addressed to the Commission Secretary at the above mailing address.

6.4 Confidentiality

The Commission is of the view that this consultation is largely of a general nature. The Commission expects to receive views from a wide cross section of stakeholders and believes that views and comments received should be shared as far as possible with all respondents.

Respondents should therefore ensure that they indicate clearly to the Commission any response or part of a response that they consider to contain confidential or proprietary information.

6.5 Analysis of Responses

The Commission expects, in most consultations, to receive a range of conflicting views. In such circumstances, it would be impossible for the Commission to agree with all respondents. Through its documents the Commission will seek to explain the basis for its judgments and where it deems appropriate give the reasons why it agrees with certain opinions and disagrees with others. Sometimes analysis of new evidence presented to the Commission will cause it to

modify its view. In the interests of transparency and accountability, the reasons for such modifications will be set out and, where the Commission disagrees with major responses or points that were commonly made, it will in most circumstances, explain why.

6.6 List of Questions

- Q1. Do you agree with the Commission's suggestion that quality of service issues should be excluded from the Price Cap formula and dealt with through a series of guaranteed and overall standards with appropriate penalties and rewards based on performance? If you disagree with this approach please explain what alternative approach you would recommend and why.*
- Q2. What are your views on the extent to which Cable & Wireless has addressed service standards through their Customer Service Charter? Please explain why you hold that view.*
- Q3. What are your views on the proposal to establish a Code of Practice for Cable & Wireless and its customers?*
- Q4. Do you think that the Commission should encourage Cable & Wireless to publish a voluntary Code or should it be legislated? Please give reasons for your view.*