

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**



26 March 2024

**ATTENTION: Chairperson: End User Subscriber Service Committee**

Block C, Eco-Park Estate  
350 Witch-Hazel Avenue  
Highveld  
Centurion  
2146

**Re: Draft End-User and Subscriber Service Charter Amendment  
Regulation, 2024**

It is my pleasure to submit comments on the above-mentioned Draft Regulations on behalf of the Independent Communications Authority of South Africa's Consumer Advisory Panel (CAP). The CAP would appreciate an opportunity to make oral presentations.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Menye', written over a horizontal line.

Mongezi Menye  
Consumer Advisory Panel

## **1. INTRODUCTION**

The Consumer Advisory Panel (CAP) was established by the Independent Communications Authority of South Africa (ICASA) in terms of Section 4 read with Section 71 of the Electronic Communications Act, 2005 (Act No. 36 of 2005, as amended) and Regulations on the establishment of CAP, published on Government Gazette, No 48960 of 2023.

## **2. ABBREVIATIONS**

- OTT – Over the Top
- SMS - Short Messaging Service
- Streaming Services – Service that allows playing films & TV programs on TV
- Video on Demand – Content requested in demand by Users
- CAP – Consumer Advisory Panel

## **3. DRAFT END-USER AND SUBSCRIBER SERVICE CHARTER AMENDMENT REGULATIONS, 2024**

The Independent Communications Authority of South Africa has, under section 4, read with section 69 (3), of the Electronic Communications Act, 2005 (Act No 36 of 2005), intends to make the regulations in the Schedule.

We would like to thank the Authority for the opportunity given to the Consumer Advisory Panel (CAP) to comment on the Draft End-user and Subscriber Service Charter Amendment Regulations, 2024. We hope that our recommendations will make an impact in the ICT sector.

The regulation is motivated by general concern as identified by ICASA concerning the data expiry rules, high-out-of-bundle rates and rules, and out-of-bundle voice and Short Messaging Service (SMS) rules currently applied by licensees. The Authority further

identified a strong consumer resistance to the “loss” of unused data when it comes to bundles of longer duration. Hence, the rollover and transfer provisions detailed under regulation 8A below.

The Authority intends to prescribe minimum standards with respect to how aspects such as voice, SMS and data are rolled over and transferred.

## **4. SCHEDULE**

### **4.1 Definitions**

#### **4.1.1 Amendment of regulation 1 of the regulations**

Regulation 1 of the Regulations is hereby amended –

- (a) Activation: Agreed and support the definition.
- (b) Bundle: an explanation of “OTT services” should be provided to avoid any possible misinterpretation. Examples: Like streaming services, Video on demand, Social media, etc.
- (c) Day: The definition agreed and support the definition.
- (d) Hour: The definition agreed and support the definition.
- (e) Long term bundle: A bundle valid for more than 30 days from activation
- (f) Medium term- 7 days to 30 days from date of activation.
- (g) Short term bundle: Agreed & Support the definition.

*NB: There is a need to standardize these validity periods as they affect the pricing, expiry and rollover of bundle transfer provisions. CAP is of the view that the draft END user and Subscriber Charter Regulations (The Regulations) are paving the way for operators to provide consumers with product/service differentiation and innovation through short term. Medium term and long-term contracts.*

- (h) Promotional bundle: Offer made available to end users for a period and terms & conditions prescribed by the licensee.

#### 4.1.2 Amendment of regulation 8A of the Regulations

Voice, SMS, data, and OTT services

(a) A licensee must send usage depletion notifications to end users via SMS notifications or push notifications at no cost to end users.

**Benefits:** This will ensure end – user benefits like, User Awareness, Consumer Protection, Customer Empowerment & avoid unexpected service disruptions or unnecessary additional charges due to exceeding allocated limits.

(b) OPTIONS-It is fair for end users to have the opt ins and opt outs options and to buy additional bundles at all times.

(c) Sequential bundle usage on the first in first out expiry approach could be confusing for end users, hence a need for consumer product literacy.

(d) There is a differential on the bundle roll over for unused medium term and long-term bundles, of 50% and 25% respectively. To avoid the commitment of numbering and billing resources by operators. CAP appreciates these motivations as provided by operators and the Authority.

(e) CAP fully agrees and supports that the roll overs must occur without any action by the end user and at no cost to the end-user.

(f) Bundle transfers: These Regulations places more emphasis on bundle transfers only to on- net scenarios in exclusion of off-net scenarios. It is hereby advised that bundle transfers be applicable also to all networks bundle scenarios. In order to harmonize operators billing platform/solutions. It is recommended that a clearing house solution be considered.

(g) Inability to use bundles: CAP agrees and supports the extension of bundles when the fault of inability to use bundles is not on the part of the end user, but that of the licensee.

(h) The transfer of bundles must not be limited to specific service types including uncapped, free or promotional bundles both on the on net and off net scenarios. This will empower the unemployed youth in the underserved areas

(i) The principles of bundle roll-overs must be equitably applied to all services (that is voice, SMS and data).

- (j) CAP supports the sequence of bundle depletion on a first in first out basis, in that older bundles should be depleted first before the newly purchased bundles are depleted.
- (k) CAP appreciates and support the Authority's retention of the provision for compensation to end-users who are unable to utilize bundle services due to the fault of the licensee.

## **5. RECOMMENDATIONS**

The Consumers should be protected from the forfeiture of unused data. Transfer of all net bundles should be available to End Users especially the unemployed youth, elderly and Persons with Disabilities.