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GENERAL NOTICE

NOTICE 354 OF 2012



INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

CARRIER PRE-SELECTION (CPS PHASE 1) CODE OF CONDUCT

The Independent Communications Authority of South Africa ("the Authority") hereby gives notice in terms of CPS Phase 1 Regulations, GG 33589 for the publication of CPS Phase 1 Regulations Code of Conduct. A copy of this reservation is also available on the Authority's website (www.icasa.org.za) and in the ICASA Library at 164 Katherine Street, Pin Mill Farm, First Floor, Block D between 10h00 and 16h30, on working days only.

A handwritten signature in black ink, appearing to read 'Dr. Stephen Mncube', written over a horizontal line.

Dr. Stephen Mncube
Chairperson

Date: ...18.../04/2012

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1. Definitions

- 1.1. In this Code of Conduct herein referred to as "CoC", any word or expression to which a meaning is assigned in the Electronic Communications Act (ECA), (Act No. 36 of 2005) and the Carrie Pre-Selection (CPS Phase 1) Regulations (Government Gazette No. 33589 of September 2010) herein referred to as "the regulations" shall have the same meaning unless the context indicates otherwise.

"Slamming" means the practice of switching of a subscriber's requesting operator without the consent of the subscriber or knowledge.

2. Objectives

- 2.1. The CoC seeks to establish a framework that will assist and promote the establishment and management of CPS Phase 1 services as well as to protect and promote the best interests of users of CPS Phase 1 services.
- 2.2. The CoC also seeks to ensure compliance with the current legal and regulatory requirements related to CPS Phase 1.

3. Guiding principles and conditions

- 3.1. This CoC sets out the minimum acceptable standards for both the requesting and providing ECNS/ECS licensees but does not limit the ability to improve the minimum service level and such improvements are encouraged;
- 3.2. All valid written requests shall be processed in a non-discriminate manner;
- 3.3. All written requests shall be responded to within five (5) working days.
- 3.4. It is expected of the requesting ECS licensee to ensure that it has an existing interconnection agreement with the providing ECS licensee in order to provide CPS phase 1.
- 3.5. When a subscriber of a requesting ECS licensee makes a CPS Phase 1 call, the ECNS network to which that subscriber is located at the time of making such a call is the responsible providing ECNS licensee;

3.6. The requesting ECNS licensee's network will perform the call termination functions on its network or route to the terminating operator's network.

3.7. Licensees must not allow the use of their services for illegal purposes and must take appropriate steps to guard against the services being used for such purpose; and

3.8. Licensees must not engage in slamming.

4. Minimum requirements for CPS Phase 1

4.1. A valid request must be in writing on a company letterhead and must amongst others include:

- a) The name and address of the requesting ECS/ECNS licensee;
- b) Copy of a valid ECS/ECNS licensee;
- c) Date of the request;
- d) Full details and signature of the person responsible for the licensee;
- e) CPS access code as issued by the Authority; and
- f) CPS requester's technical requirements.

5. CPS Phase 1 refusal

5.1. A providing ECS/ECNS licensee may refuse a CPS Phase 1 request from a requesting ECS/ECNS licensee if the conditions mentioned in clause 4.1 have not been met.

6. Charges and costs

6.1. All call charges payable for CPS Phase 1 call must be published and updated as and when they change.

7. Customer information

- 7.1. All licensees subject to CPS Phase 1 shall take the required steps to safeguard the personal information of subscribers and shall not disclose such information other than in terms of a court order or legislative requirements.
- 7.2. The requesting ECS licensee shall be responsible for customer care services for any call made by the subscriber using CPS Phase 1 services.
- 7.3. The requesting ECS licensee must take the necessary steps to inform and advise subscribers using the CPS Phase 1 services of:
 - a. Its customer care complaints and enquiry procedure
 - b. Its customer care number
- 7.4. The requesting ECS licensee shall ensure that the customer information services provided to the subscriber are in terms of the applicable laws and regulations; and

8. Testing

- 8.1. Functionality testing shall be done between the requesting ECNS/ECS and the providing ECNS/ECS in accordance with the test plan agreed upon by the parties.

9. Advertising

- 9.1. Licensees must use all reasonable endeavours to ensure that promotional material complies with all applicable legislation and regulation;
- 9.2. A Licensee shall not directly or indirectly (by implication) discredit or make any adverse comments, statements and/or publication regarding other licensees; and
- 9.3. Licensees must use all reasonable endeavours to ensure that they do not publish or circulate any information that is misleading and/or derogatory about other licensees.

10. Training

- 10.1. Licensees must use all reasonable endeavours to ensure that relevant training be given to customer facing staff and back office staff dealing with administration, activation, fault resolution and any other processes involved to ensure correct operation of CPS Phase 1.

11. Fault reporting

- 11.1. Where a fault or breakdown or problem occurs, the licensees shall as soon as they become aware follow the fault reporting procedures as set out in the interconnection agreement; and
- 11.2. Furthermore, licensees shall co-operate fully with one another in the development of any required procedures for testing and clearing faults between their respective networks.

12. Complaints

- 12.1. In the event of a complaint in regard to any matter contained in the CoC, such complaint shall be referred to the Authority.

13. Contraventions

- 13.1. Any contraventions with this CoC shall be addressed in terms of section 17 (C) of the ICASA Act

14. Review

- 14.1. The Authority shall review and if appropriate amend the CoC by notice in the Gazette.