**Regulatory Impact Assessment on the End-User and Subscriber Service Charter Regulations**

Questionnaire to industry participants and stakeholders

Contact details for respondent

Please complete the table below. Where there is more than one contact person please include the full details of the additional contact person/s in the format provided below.

|  |  |
| --- | --- |
| Prefix (Mr., Mrs., MS, Prof, etc.) |  |
| First Name |  |
| Last Name |  |
| Title |  |
| Organisation  |  |
| Name of network operator (in case of an end-user) |  |
| Department |  |
| Address Line 1 |  |
| Address Line 2 |  |
| Postal Code |  |
| City |  |
| Telephone (Direct line) |  |
| Mobile |  |
| Email |  |

Background and Instructions

The Independent Communications Authority of South Africa (“ICASA”) is conducting an assessment on the End-User and Subscriber Service Charter Regulations, Government Gazette No. 41613 (“the amendment Regulations”). The outcome of this impact assessment would assist the Authority to better understand whether the amendment Regulations achieved the Authority’s expectations with regard to, among others, the voluntary reduction in out-of-bundle rates, changes in unfair business rules relating to data expiry rules, rollover of unused data, etc.

The purpose of this questionnaire is to obtain information from stakeholders (i.e. licensees, end-users, etc.) in terms of section 4(3)(h) of the ICASA Act No. 13 of 2000 and regulation 9 of the Standard Terms and Conditions Regulations, Government Gazette No. 39875. Respondents are invited to add valuable input into the assessment by completing the relevant sections of the questionnaire that follows. Please complete the survey as accurately as possible.

Should a respondent be of the view that the information submitted is confidential, the respondent must take steps envisaged in section 4D of the ICASA Act to claim confidential treatment for such information.

Should there be any questions or further clarification required, kindly address your questions to Mr. Leweng Mphahlele (lmphahlele@icasa.org.za).

Stakeholders must complete and submit data in terms of the questionnaire within thirty working (30) days from the date of publication of the notice and questionnaire.

Thank you for taking the time to complete the questionnaire.

Section 1: REGULATION 8A (VOICE AND SMS)

Regulation 8A provides that licensees must:

* send voice and SMS services usage notifications;
* provide post-paid users with an option to buy additional voice and SMS services; and
* automatically block usage of the relevant services where post-paid or hybrid user did not buy additional voice and SMS services upon depletion of voice or SMS bundles.

**Licensees**

**Question 1:** Please provide the monthly volume of voice (in minutes) consumed out of bundle from January 2018 to August 2019;

**Question 2**: Please provide the monthly voice revenue (in Rands) generated from out of bundle voice calls from January 2018 to August 2019;

**Question 3:** Please provide the average monthly revenue per customer from out of bundle voice for the period January 2018 to August 2019;

**Question 4**: Please provide the monthly number of out-of-bundle voice users for the period January 2018 to August 2019 [please split by post-paid (including top-up) and prepaid]

**Question 5:** Please provide the cost (direct and indirect) incurred by your firm to implement regulation 8A.

**End-users**

**Question 1**: The notifications I received from my operator are easy to understand.



Motivate your response with reasons and examples if relevant.

**Question 2:** Did your operator automatically stop you from accessing voice when your voice minutes or voice bundle is depleted?



**Question 3:** If the answer is to Question 2 is Yes, did this save you money from out-of-bundle charges? Motivate your response with reasons and examples

**Question 4**: Did your operator give you an option to opt-in or opt-out of receiving voice and SMS usage notifications?

**Question 5:** If you opted-out of receiving voice and SMS usage notification, please provide reasons for opting out of usage notifications.

Section 2: REGULATION 8B

Regulation 8B governs business rules relating to out-of-bundle (“OOB”) practices and roll over of unused data as well as transfer of unused data.

Regulation 8B(1)(a) provides that “ A Licensee must ensure that an end-user is sent data usage depletion notifications via SMS, push notification or any other applicable means when usage reaches 50%, 80% and 100% depletion of data bundles. End-users must be provided with an option to opt-out of data usage notifications.”

**Licensees**

**Question 1:** Please provide the monthly volume of data (in MB) consumed out of bundle from January 2018 to August 2019;

**Question 2**: Please provide the monthly data revenue (in Rands) generated from out of bundle data from January 2018 to August 2019;

**Question 3:** Please provide the average monthly revenue per customer from out of bundle data for the period January 2018 to August 2019;

**Question 4**: Please provide the monthly number of out-of-bundle data users for the period January 2018 to August 2019 [please split by post-paid (including top-up) and prepaid]

**Question 5:** Please provide the cost (direct and indirect) incurred by your firm to implement regulation 8B(1)a.

**End-users**

**Question 1**: Do you think data usage depletion notifications are easy to understand.



**Question 2:** Did your operator provide you with an option to opt-out of data usage notifications?



Regulation 8B(1)(c) provides that “A Licensee must ensure that an end-user is provided with an option via SMS, push notification, USSD or any other applicable means to opt-in or opt-out of out-of-bundle data usage.”

**Licensees**

**Question 1:** Provide the number of users who opted-out of out-of-bundle data usage to date since implementation of regulation 8B(1)(c). Provide the split by post-paid (including top-up) and prepaid.

**Question 2:** Provide the number of users who did not opt-in to out-of-bundle usage to date since the implementation of regulation 8B(1)(c). Provide the split by post-paid (including top-up) and prepaid.

**Question 3**: Provide the cost (direct and indirect) incurred by your firm to implement regulation 8B(1)(c).

**End-users**

**Question 1**: Did your operator provide you with an option to opt-in or opt-out of out-of-bundle data usage?.



**Question 2**: If your answer to Question 1 is Yes, did you opt-in or opt-out of out-of-bundle usage. Please provide reasons.

Regulation 8B(2) provides that “Where an end-user does not opt-in to out-of-bundle data charge as per regulation 8B(1)(c) above, a Licensee must not permit any out-of-bundle data usage by an end-user until such time that an end-user purchases new data bundles or opt-in to out-of-bundle usage. In the event that an end-user does not make an election, whether to opt-in or opt-out of out of bundle usage, the Licensee may either immediately terminate data services or continue to provide data services, provided that the provision of the service shall be on the same terms and conditions applicable under in-bundle usage.”

**Licensees**

**Question 1:** Where an end-user did not make an election to opt-in to out-of-bundle data usage and your firm continue to provide data service out-of-bundle, provide details (for example, terms and conditions, applicable out-of-bundle rate per MB) applicable to out-of-bundle usage.

**Question 2**: Provide the cost (direct and indirect) incurred by your firm to implement regulation 8B(2).

**End-users**

**Question 1**: Are you aware of the option provided by your operator to opt-in to out-of-bundle data usage charge when your data bundle is finished?



Motivate your response with reasons and examples if relevant.

**Question 2:** Please provide details of what happens when you did not give instruction to your operator to use data when your data bundle is finished. Motivate your response with examples if relevant.

Regulation 8B(3) states that “A Licensee must provide end-users with an option to roll over unused data before expiry date. In the event of unused data being rolled over, a Licensee shall in the first instance apply data usage against the rolled over data until that data is fully depleted, and thereafter against the newly allocated data.”

**Licensees**

**Question 1:** Provide terms and conditions applicable to roll over of unused data (for example, restriction on number of roll over(s), limit of roll over amount, roll over charges, etc.).

**Question 2:** Please provide the monthly volume of data (in MB) rolled over from January 2018 to August 2019. Provide the split by post-paid (including top-up) and prepaid;

**Question 3**: Please provide the monthly data revenue (in Rands) generated from data roll-over from January 2018 to August 2019. Provide the split by post-paid (including top-up) and prepaid;

**Question 4:** Please provide the average monthly roll over revenue per customer for data for the period January 2018 to August 2019;

**Question 5**: Provide the cost (direct and indirect) incurred by your firm to implement regulation 8B(3).

**End-users**

**Question 1**: Does your operator provide you with an option to roll over unused data before expiry date?



**Question 2**: If your answer to Question 1 is Yes and you used data rollover option before, please provide details about your experience with data rollover. Motivate your response with examples if relevant.

Regulation 8B(4) states that “A Licensee must provide an end-user with an option to transfer data to other end-users utilising services of the same Electronic Communications Service.”

**Licensees**

**Question 1**: Provide terms and conditions applicable to transfer of data (for example, restriction on number of transfer(s), limit of data transfer amount, data transfer charges, etc.);

**Question 2**: Please provide the monthly volume of data (in MB) transferred from January 2018 to August 2019. Provide the split by post-paid (including top-up) and prepaid;

**Question 3**: Please provide the monthly data revenue (in Rands) generated from transfer of data from January 2018 to August 2019. Provide the split by post-paid (including top-up) and prepaid;

**Question 4**: Please provide the average monthly data transfer revenue per customer for the period January 2018 to August 2019;

**Question 5:** Provide the cost (direct and indirect) incurred by your firm to implement regulation 8B(4).

**End-users**

**Question 1**: Does your operator provide you with an option to transfer data to other users on the same network?



**Question 2**: If your answer to Question 1 is Yes and you used data transfer option before, please provide details about your experience with data rollover. Motivate your response with examples if relevant.

Regulation 8C states that “(1) A Licensee must conduct educational awareness campaigns aimed at: (a) educating end-users on the use of smart phones; (b) educating end-users on how to use data; and (c) educating end-users on a broad range of products and services offered. (2) A Licensee must conduct at least four (4) educational awareness campaigns per annum.”

**Licensees**

**Question 1**: Provide details on educational awareness campaigns conducted by you firm since the publication of the amendment Regulations.

**End-users**

**Question 1**: Are you aware of education awareness campaigns that were conducted by your operator in the last six months?