

THE ROLE OF URCA IN CONSUMER PROTECTION

IN December, 2013 the Utilities Regulation and Competition Authority (URCA) introduced Consumer Protection Regulations (the Regulations) applicable to the electronic communications sector (ECS) in The Bahamas. The consumer protection provisions introduced by the Regulations were established by URCA to ensure that consumers in The Bahamas benefit from the highest possible standards of services provided by their service providers and to promote consumer confidence in the delivery and quality of service they receive from their respective service providers.

Consistent with Consumers International's 2014 agenda for Phone Rights, URCA has outlined key areas of the Regulations that address the identified issues regarding consumers and their communications services. These are as follows:

- Consumer Contracts
- Quality of Service
- Billing
- Consumer Complaints Handling

Consumer Contracts

As it relates to consumer contracts,

the Regulations contain provisions that mandate service providers to provide consumers with contracts that contain clear and unambiguous contract terms and conditions for mobile telephone, fixed line telephone, Internet services and pay TV services. Some of the terms and conditions that must be clearly outlined in all contracts for services include the following:

- The commencement date and term of the contract.
- Any applicable minimum contract period.
- Disconnection and reconnection charges.
- Provisions regarding any Security Deposit that is held by the service provider.
- The availability of complaint handling procedures and methods for initiating such procedures.
- The Customer Quality of Service levels offered in respect of the contracted service.
- Details of any applicable compensation or refunds if the Customer Quality of Service levels specified in the contract are not met.

• Whether there are any penalties in the contract, the nature of the penalties and the circumstances in which a penalty would be imposed on the customer.

At the time of entering into a contract, a service provider must inform the customer of relevant pricing information of their service including all applicable rates or charges, including international roaming charges, text messages and data usages.

Security Deposit

Where a service provider requires a security deposit from a consumer prior to providing service, the service provider must provide the consumer with information about the terms of the security deposit, including the circumstances in which the security deposit may accrue interest, be forfeited or be repaid. Service providers must not charge consumers more than three (3) months of the reasonably anticipated charges for the services to be provided to consumers.

Product Warranties

Prior to entering into a contract to provide services, a service provider

must inform the consumer whether there is a contractual warranty relating to a product supplied for use in connection with the service, how to obtain warranty service if needed and what the consumer's rights of redress are should the contractual warranty be breached. Where a copy of the warranty and rights of redress are not provided in writing with the product, the service provider must inform the consumer of how and where it is available.

Quality of Service

The Regulations identify and outline minimum standards and targets that service providers are to achieve in providing its services to consumers throughout The Bahamas. In an efficient competitive market, service providers should surpass the quality of service standards set by URCA. Service Providers, however, are not limited to only the standards set out by URCA and may apply additional standards to determine their own quality of service. However, they must firstly notify URCA prior

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