

8 July 2010

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Mr. Tomas Lamanauskas  
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Telecommunications Regulatory Commission  
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TELECOMMUNICATIONS REGULATORY COMMISSION  
BRITISH VIRGIN ISLANDS

*Re: Consultation—Procedures for Investigation of Complaints by Consumers,  
Facilitation of Relief and Resolution of Related Disputes*

Dear Mr. Lamanauskas:

BVI Cable TV Ltd. (“BVI Cable”) hereby submits its comments in response to the June 10, 2010, consultation regarding consumer complaints initiated by the Telecommunications Regulatory Commission (“TRC”).<sup>1</sup>

BVI Cable supports the TRC’s development of clear and uniform processes for the investigation and resolution of consumer complaints. Moreover, BVI Cable largely supports the procedures suggested in the Complaints Consultation as reasonable, efficient steps that will work to ensure the satisfactory investigation of consumer complaints and resolution of related disputes. BVI Cable nonetheless suggests that the TRC make three revisions to the procedures outlined in the Complaints Consultation to address practical compliance issues that *all* licensees will encounter as they apply the procedures in daily operations.

*First*, BVI Cable suggests that a respondent be required to acknowledge a complaint within five business days of its receipt, rather than within three business days of its receipt. *See* Complaints Consultation § 5(1). BVI Cable agrees with the TRC about the importance of promptly acknowledging receipt of a complaint and providing the complainant with information regarding the licensee’s response to the complaint, and endeavors to do so as part of its current business practice. Because of the widely varying nature of complaints that licensees receive, however, three business days is an extremely short time period to establish as a firm deadline for every circumstance. In particular, should a complaint raise an issue of particular complexity or should unusual circumstances occur, three business days may not, in

<sup>1</sup> Procedures for Investigation of Complaints by Consumers, Facilitation of Relief and Resolution of Related Disputes, (Telecommunications Code - Part \_/2010), Consultation Document (released June 10, 2010) (“Complaints Consultation”).

practice, be enough time to provide the complainant with the required information. Revising the timeline such that the respondent must acknowledge a complaint within five business days of its receipt will provide licensees with sufficient time to process even a complaint of particular complexity. Such a revision to the timeline would add only a minimal wait for the complainant to receive the acknowledgement and would not affect other deadlines.

*Second*, BVI Cable suggests that the proposed timelines begin to run only when a complaint is reported through the channels of communication for submission of complaints that the Complaints Consultation requires licensees to establish. *See* Complaints Consultation § 17(1)(c). The purpose of implementing timelines for acknowledging and resolving complaints is to ensure that the licensee timely responds to complaints. Accordingly, the clock should start only once it is clear that the licensee has received a complaint and the complaint is recorded pursuant to the procedures for tracking complaints established by the licensee. This suggestion will not burden the public, as the Complaints Consultation requires that the centralized channels be effective and easy for consumers to use and that licensees must inform consumers and the public of the channels. Complaints Consultation § 17(1)(c)-(d). Licensees should, of course, use their best efforts to quickly respond to all complaints, however received. Yet it would be unfair to hold licensees strictly responsible for missed deadlines in responding to complaints filed outside of the process established to track them.

*Third*, BVI Cable proposes that the TRC provide a transition period of at least two quarters after publication of the item in the Gazette before licensees must be in compliance with the new requirements. Such a transition period would be analogous to that proposed in the TRC's Consultation Document regarding Quality of Service (the "Quality of Service Consultation"), which provides that public suppliers shall "start measuring Quality of Service parameters from the start of the second quarter of the coming into effect of this Document; and provide the first report at the end of the second quarter of the coming into effect of this Document[.]" Quality of Service Consultation § 17(1) (June 10, 2010). In this regard, BVI Cable also urges the TRC to provide notice of this item to the licensees prior to publication in the Gazette. Were the Complaints Consultation to become effective the day it was published in the Gazette, licensees would be expected to be in compliance with the requirements on the same day they learn what those final requirements are. Yet changes to existing systems and processes will require time and will likely be accompanied by unanticipated complications that only use of the new systems and processes will uncover. BVI Cable believes that both prior notice and at least two quarters after publication are needed to reasonably and thoroughly implement new compliance measures.

Mr. Tomas Lamanuskas  
BVI Telecommunications Regulatory Commission  
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BVI Cable continuously strives to provide good customer service and deal promptly with attending to and resolving complaints that consumers raise. With these proposed modifications, BVI Cable is confident that the new procedures the TRC is establishing for response to consumer complaints will continue to increase consumer satisfaction with all unitary licensees, while accounting for that the practical needs of licensees' operations.

Respectfully submitted,



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