

Ms. Aileen Chia
Deputy Chief Executive / Director-General (Telecoms & Post)
Infocomm Media Development Authority of Singapore
10 Pasir Panjang Road
#10-01 Mapletree Business City
Singapore 117438

21 March 2018

Dear Ms. Chia,

**Public Consultation on the Telecommunication and Subscription TV
Mediation- Adjudication Scheme**

TPG Telecom Pte Ltd (TPG), as a new mobile network operator in Singapore, is very supportive of the initiative taken by the IMDA for proposing a mediation and adjudication scheme for Telecom Operators in Singapore

TPG thanks the IMDA for the opportunity given to comment on the proposed Consultation Paper issued on 17 January 2018 (**the "Consultation Paper"**). Responses to the particular issues raised in the Consultation Paper follow:

2. DISPUTE RESOLUTION PROCESS

1. Do you have any comments or suggestions on IMDA's proposed two-step Mediation – Adjudication process, and whether this process will achieve the policy objectives of providing the Disputing Parties with a resolution in an effective manner?

TPG considers that there should not be any "Face to Face" process and that mediations should occur via correspondence and over the phone. To have a Face to Face negotiation would require a serious investment of time for the customer, the provider and possibly the IMDA and greatly increase the cost of dispute resolution, which is ultimately likely to result in higher prices for consumers. In Australia there is no Face to Face meetings and the system works very well with a high percentage of cases resolved at the first level.

In Singapore we are suggesting there should be three levels with Level 1 & 2 being in the control of the provider and level three where the IMDA steps in.

2. Do you think that it is necessary to serve a "notice of intention to mediate" so that it is demonstrated that the Disputing Parties have exhausted all available options before starting mediation proceedings? What are your views on the 14 calendar days required – is it too long, too short or sufficient?

All complaints should be logged with the IMDA who will keep a track of them. The complaints should go to an Independent Specialist Group that the Service Provider sets up to deal with these complaints.

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Receipt of a complaint should be Level 1 and it should be a notice to mediate. We have to assume that the customer and the provider have not been able to come to an agreement with the standard processes before the lodgment of the complaint to the IMDA. The 14 calendar days for Level 1 is reasonable. Level 2 should be an escalation where an agreement has not been reached in Level 1.

3. Do you agree that a documents-based adjudication is more efficient for the Disputing Parties, or do you have any suggestions to enhance the adjudication stage?

Yes, we agree that a documents based adjudication is more efficient.

4. What are your views on giving consumer the option to choose whether to accept an adjudicated decision for it to be binding on the Disputing Parties? Do you think that this would help to achieve faster resolution of disputes?

Yes, where there is an agreement to settle a dispute it has to be binding on both parties to be effective.

5. Do you think consumers should be given the option to go straight to adjudication, without requiring the Disputing Parties to go through mediation first?

No, consumers should be required to follow the process and give the provider the opportunity to resolve the dispute first.

3. ELIGIBLE CUSTOMERS

6. You agree that apart from Individual Consumers, it is beneficial to include Small Business Customers as Eligible Customers under the Scheme? Why do you think so?

No, it should only be for individuals.

If it is to include Small Business then it must only apply to business products. Otherwise a Small Business might be buying a residential service that is not fit for purpose just because it is cheaper and expecting it to perform like a business product.

7. Is the definition of Small Business Customer appropriate? If not, how should it be defined?

We consider that the definition is appropriate.

4. DESIGNATED / DECLARED LICENSEES

8. ***Do you agree that IMDA should mandate participation of all telecommunication and subscription TV Service Providers that have direct billing relationship with Eligible Customers in the Scheme?***

TPG agrees that all telecommunication and subscription TV Service Providers should participate in the scheme.

9. ***Are there other Service Providers that should be required to participate in the ADR scheme? Why do you think so?***

Not that TPG is aware.

5. ELIGIBLE SERVICES

10. ***Do you have any comments on the proposed scope of Eligible Services, and what services should be included or excluded from the scope? Why do you think so?***

We do not have a comment on Eligible Services.

6. ELIGIBLE COMPLAINT ISSUES

11. ***Do you agree that Eligible Complaint Issues ought to be limited to issues that can be resolved through service recovery efforts, or compensated in kind or monetary terms? Why do you think so?***

Yes, it should be both as the customer might accept some free additional service or they might want a refund of monies.

12. ***What do you think are other complaint issues that should be included and / or excluded from the scope of issues that are eligible under the Scheme? Why do you think so?***

Things such as legal costs, pricing and packaging should not be included. The provider should not have to pay any legal costs the customer has incurred. The customer should not have a right to complain about the pricing of products offered as they have a choice not to purchase the product. The customer should not have the right to complain about the packaging of products provided they are fit for purpose. The customer should not have the right to complain about the plan inclusions because they have a choice not to select for purchase.

7. FUNDING OF SCHEME & FEE STRUCTURE**13. Do you agree that IMDA should adopt a co-payment model so that the Scheme can be self-sustainable? Why do you think so?**

Yes, we agree with the co-payment concept because it will make the customer consider their situation before filing frivolous cases.

14. What are your views on the fee ratio of 10:90 in favour of the consumer to help balance the disparity in the respective bargaining power of the Disputing Parties?

If the scheme is reduced to no Face to Face the overall cost of running the scheme would be drastically reduced and the ratio should be 1:3. We think a \$10 fee for a consumer is reasonable.

Yours Sincerely



Wayne Springer
General Manager, Operations

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