

ANNEX

POSITION OF ICP-ANACOM ON THE SUGGESTIONS/COMMENTS RECEIVED IN RESPECT OF THE PRELIMINARY PROPOSAL (SENT ON 17/04/2008 TO COMPANIES PROVIDING FTS) FOR THE MODEL OF DISCLOSURE OF INFORMATION ON QUALITY OF SERVICE

1. Location of information on the website of provider companies:

In a number of the responses received it was stated that the recommendation of ICP-ANACOM was not appropriate, as presented in the preliminary version of the Model of Disclosure, with respect to the display of the link "Quality of Service" on the first page of the website of the provider companies, given that they usually provide diversified services and that, as such, the FTS does not always have particular prominence. Various alternatives were suggested, such as the display of this link on the main page of the service to which the information relates, which in this case is the FTS. Additionally, it was also mentioned that if this link was provided on the entry page of the FTS, the preliminary recommendation (contained in *footnote* 1 of the original version of the Model of Disclosure) would be made unnecessary with respect to the inclusion of a link to the "Quality of Service" area on every page where information is given about the commercial FTS offers of each company.

Whereas:

- it is the intention of ICP-ANACOM, through these recommendations, to promote improved accessibility/comparability of information provided by FTS providers to end-users, with respect to the RQS;
- it is not guaranteed that all providers have an "entry" page on their website with respect to the entirety of the commercial offers which they provide in terms of the FTS;
- for commercial reasons companies can, even if temporarily, highlight only certain FTS offers on the homepage of their website (in this case, where there is an "entry page" on their website referring specifically to the FTS, on which the information on quality of service is available, if it is only a 2nd or 3rd level page, customers are unlikely to find it, because they will possibly limit their consultation to the FTS offer highlighted on the homepage)

this Authority has opted to:

- maintain the recommendation that companies display a link on the homepage of their website providing access to information about quality of service, which link, however, shall have the title "Quality of the Fixed

Telephone Service" (in place of the more general "Quality of Service", in view of the fact that the FTS may not in fact be the principal commercial activity of the companies);

- recommend that as an alternative to the provision of the link "QoS of the FTS" on the homepage of their website, each company may choose to provide this link on the first page of each one of the commercial offers of the FTS which it publishes on its website;
- to recommend that footnote¹ as indicated above shall only refer to those cases where the companies offer services in bundling and shall be worded as follows "To access information on the quality of the STF see here".

2. Future display, on the websites of the provider companies, of the link to the website of ICP-ANACOM where the information will be provided on the links where the various providers disclose information about their quality of service.

In the notice dated 17/04/08 whereby ICP-ANACOM sent a preliminary version of the Model of Disclosure to provider companies, it also communicated that it was the intention of this Authority that in the future, with respect to its remit as set out in point h) of paragraph 1 of article 6 of Decree-Law no 309/2001 of 7 December and in point d) of paragraph 4 of article 5 of Law no 5/2004 of 10 February, it would bring together, on its website, information on the links to the Internet pages where different companies supplying the FTS provide end users with data on quality of service in accordance with the RQS.

In this context, it was a preliminary recommendation in this notice that the link to the website of this authority be further indicated by provider companies on their websites. Additionally, pursuant to paragraph 1 of article 108 of Law no 5/2004 of 10 February, it was requested that each company:

- communicate, within a maximum period of ten days following receipt of said notice, the link to its website where information on the respective quality of service was, at that time, disclosed;
- systematically notify this Authority of any subsequent change to this link with a minimum of 5 days notice.

In the comments received with respect to the preliminary version of the Model of Disclosure, some companies considered that the recommendation to indicate locations on their own website, whereby their customers (potential and existing) would be able to obtain information on the quality of service provided by their competitors, to be disproportionate.

Accordingly, in the final version of the document ICP-ANACOM chose to eliminate this recommendation.

However, it remains the intention of this Authority to bring together on its own website the links to the Internet pages where the different companies supplying FTS provide end users with data on quality of service in accordance with the RQS. The objective of this effort is to make it easier for users to consult and compare the information on quality of service from various companies. Accordingly, it will be necessary for ICP-ANACOM to have constantly updated information on the link to the page where each company provides such data, whereby the request is maintained to systematically notify this Authority of any subsequent change to this link within a minimum of 5 days notice.

3. Disclosure of information on quality of service at points of sale of the companies.

The draft recommendation prepared by ICP-ANACOM initially set out, according to RQS, that information about quality of service be announced and made available to users, in writing, at all points of sale of the FTS. To this end, it was set out in this preliminary recommendation that companies should make the information contained in tables 1 and 2 in annex to the Model of Disclosure available at all outlets where the FTS is sold.

In the comments received:

- It was requested by some companies to clarify the term "*points of sale*", given that in determination of ICP-ANACOM of 21/04/06 (on "Object and form of public disclosure of the conditions of offer and use of electronic communication services"), this concept encompassed "the business premises of providers, their agents and distribution partners".
- One of the companies mentioned that it did not have a network of its own stores, and that its products were sold by various retail distribution agents and through door to door sales, which restricts control on the form of disclosure according to the terms proposed by ICP-ANACOM. Thus, it proposed that the recommendation of ICP-ANACOM apply only to information disclosed in operators' own shops which are wholly controlled by them.
- It was considered excessive to provide leaflets containing the information concerned at all points of sale of the companies, in light of the costs and waste that this proposal may cause (resources and environment), whereby it was proposed that this information be displayed by means of terminals provided at points of sale with print outs available on customer demand.

The position taken by ICP-ANACOM on these issues is as follows:

- The concept of "point of sale" includes the shops of providers, their agents (including door to door agents) and other distribution partners, whereas in the case of door to door agents, information should be provided in writing. Companies providing services may, in particular by contract, bind their agents and other distribution partners to provide information on products sold, especially with regard to the quality of service.
- At the points of sale of the service, information on quality of service can be provided to end users online, with the possibility of it being printed out on the spot, at the request of customers. However, the fact that such information can be consulted and printed out should be announced in a visible place.

4. Disclosure of other information on quality of service

The Model of Disclosure preliminarily proposed by ICP-ANACOM included the following recommendation: "In the event that the company wishes to provide additional information on quality of service further to that set out in the RQS, this should be accessible through a link leading to another page of website of the company and not the page to which this model refers."

In the comments received, it was stated that it may be confusing and incomprehensible to users that information on the quality of a service to which they subscribe is hosted on different pages whereby they are forced to go to different places within the same website.

ICP-ANACOM is of the position that, given that the link with the title "Quality of the Fixed Telephone Service" provides access to an introductory framework text in which explicit reference is made to the RSQ, it may be even more confusing and incomprehensible for users that the same page contains information on quality of service that has basis in another framework. Therefore, in the final recommended model to be approved it was decided to recommend that the companies may include a link on the page entitled "Quality of the Fixed Telephone Service", leading to any additional information they choose to disclose on the quality of service which they provide, provided that this link is:

- displayed subsequent to the links "Information on the performance targets" and "Information on the values of quality of service reported", both referring to information defined in the RQS and that, in accordance with point I.3. of the Model of Disclosure, these shall be identified on the same page as the framework text;
- separated, clearly, from the two links indicated in I.3. of the Model of Disclosure, though the use of the following title: "Other information on quality of service".

5. Font type and size:

In the preliminary version of the Model Disclosure it was recommended that the data provided in tables 1 and 2 be presented in Arial10 and that any footnote considered necessary by the companies should be written in Arial not less than 8.

One of the companies indicated that the ICP-ANACOM should not recommend the font type and size used in the disclosure of information on quality of service set out in the proposed Model or Disclosure, considering that the form by which each provider communicated written information to their customers is governed by the communication policy of that provider.

ICP-ANACOM's concern with regard to the font type and size used by the provider companies in the disclosure of information on the quality service stems from the objective of making a contribution to the adoption of a model which is harmonised to the greatest extent possible and, in particular, which guarantees that information is properly visible. In this context, it is the position of ICP-ANACOM that it is reasonable to amend the original text, recommending that the data contained in tables 1 and 2 is presented in Arial not less than 10 or in any equivalent format and that any footnote which the companies consider should be included be written in Arial not less than 8 or in any equivalent format.

6. Amendment of performance targets over the year

One of the companies asked, in relation to Table 1 of the Model of Disclosure (relating to annual performance targets), how to proceed with its completion, in view of the fact that as a norm targets were set on a six-monthly basis (in accordance with the possibility provided for in the RQS by point c) of paragraph 2 of article 7).

Taking into account this concern, in the final version of the Model of Disclosure ICP-ANACOM recommended the inclusion of a specific note.