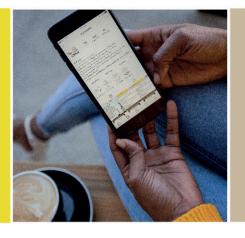


## Let's **#LevelUp** access to **telecommunications** services in Namibia.

Access to a set of basic yet essential telecommunications services throughout Namibia at affordable costs is key!

And, we need your help to do it! #LevelUp your ICT game and join us in spreading the word about Universal Access and Services. Learn how: www.cran.na #Voicelt













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#### **EDITORIAL**

## Hilya Mhani

**Corporate Communication Practitioner** 

- To create an awareness about the complaints procedure;
- To educate consumers about the Communications Act; and
- To educate potential consumers about the licence application procedures.

During the first campaign, the Authority aimed to ensure that consumers receive the full benefits of competitive electronic communication services, and are protected from any exploitation or abuse.

As part of CRAN's birthday celebration on 18 May 2014, the Authority launched the "Consumer is King" campaign which aimed at interacting, informing, educating and engaging with consumers on CRAN's mandate and responsibilities.

The third campaign was titled "Own-It! The Right to Connect" which focused on Child Online Protection, Consumer Rights and Responsibilities, Mobile Phone Etiquette and Type Approval. The campaign aimed to empower, inform and engage consumers in the regulatory process while at the same time educate consumers on their rights and responsibilities within the ICT sector.

The next consumer campaign to be launched is entitled **#LEVE-LUP&VOICEIT!** This campaign will

be launched on our social media and online platforms to create ICT consumer awareness. As ICT consumers, you have the right to protection from abuse and exploitation in respect of price, quality and variety of services and products. Let us #LevelUp together and create the ICT world we want to see.

Because no one should be left behind, the Authority is always ready to #LevelUp when it comes to what it stands for, by ensuring that everyone in Namibia has equal access to ICT services and products.

In this edition, we highlight what consumer protection is; how to lay a complaint with CRAN; the requirements before lodging a complaint with CRAN; what to know when lodging a complaint with the service providers; and what to complain about. Additionally, we have included the CRAN Consumer Complaints Reports and their Procedures for the Resolution of Internal Disputes for the period from 01 February 2019 to 31 January 2020.

I trust that you find this edition of the CRANicles informative and I encourage you to provide us with your views, comments and/or queries by sending an email, for the attention of the Editor, to

communications@cran.na

elcome to this special edition of the CRANicles newsletter that focuses on consumer protection and advocacy which is an integral element of CRAN's mandate. This mandate ensures that consumers receive the full benefits of competitive electronic communication services and are protected from any exploitation or abuse. In line with this, CRAN has implemented a streamlined complaint handling system in accordance with the Communications Act (No. 8 of 2009).

Since CRAN's inception on 18 May 2011, numerous consumer advocacy campaigns were launched with the first-ever National Consumer Advocacy and Protection Campaign launched as early as May 2013. The campaign had four main objectives, namely:

 To create an awareness of CRAN's mandate and its purpose;



# 01

#### FOREWORD FROM THE CEO



Emilia Nghikembua Chief Executive Officer

Dear Stakeholders,

s I complete my first 90 days in office, I remain committed to creating a framework that will enable Namibia to realise the objectives of the Fourth Industrial Revolution and also remain resolute to transforming the Communications Regulatory Authority of Namibia (CRAN) into an effective and developmental regulator.

These objects shall be achieved through CRAN's existing foundations which are CRAN's mandate, values, vision and mission. Amidst the challenging and sometimes uncertain and difficult times, the Authority will continue to remain united with its stakeholders. My areas of focus right now, thus necessitate stakeholder engagement and enforcement in striving towards the development of formulating impactful regulations in this critical and robust sector.

Consumer protection and advocacy remains an integral element of CRAN's mandate. CRAN is mandated to regulate, supervise and promote the provision of telecommunication services and networks, broadcasting, postal services and the use and allocation of radio spectrum in Namibia.

As we raise awareness on CRAN and the importance of consumer protection, we remain committed to ensuring that Information Communication Technology (ICT) consumers are fully aware of their rights and obligations so as to receive the full benefits of competitive communication services and are protected from exploitation and abuse, while at the same time are informed, empowered and engaged.

As we embark on consumer advocacy, CRAN is guided by its value propositions which seek to promote trust and maintain cordial relations with our stakeholders, build brand loyalty and recognition, stimulate innovation and endorse accountability.

I look forward to a dynamic and fruitful working relationship with all our valued stakeholders.





Written by: Hilya Mhani

### ABOUT CRAN CONSUMER PROTECTION

onsumer protection forms an integral part of CRAN's mandate. CRAN launched Namibia's first ever National Consumer Advocacy and Protection Campaign on 16 May 2013. As the regulator, CRAN endeavours to ensure that consumers receive the full benefits of competitive electronic communication services and are protected from any exploitation or abuse. In this regard, CRAN implemented a streamlined complaints-handling system in the regulations regarding procedures for the Adjudication of Disputes in accordance with the Communications Act (No. 8 of 2009).

The regulations regarding procedures for the Adjudication of Disputes were published in 2017 and

amended in 2019. In terms of these regulations, consumers are first required to try and resolve the dispute directly with the service provider before contacting CRAN. If the dispute is not resolved within 14 days, the consumer may submit the dispute to CRAN by completing the appropriate form together with supporting evidence.

The Communications Regulatory Authority of Namibia (CRAN) is mandated by the Communications Act (No. 8 of 2009) to protect consumers in the telecommunications, broadcasting and postal sectors against unfair consumer practices. In implementing this mandate, the Authority enacted the Regulations Regarding Procedures for the Adjudication of Disputes



(Adjudication Regulations). These Regulations set out the procedures and mechanisms for the resolution of complaints and requests for adjudication received by the Authority.

The Adjudication Regulations empower the Authority to adjudicate over the following types of complaints:

- a) Complaints regarding Quality of Service rendered by service providers;
- b) Disputes between Service Providers/License holders: and
- c) Including, but not limited to billing, charges and refunds, service delivery and product delivery,

confidential information, customer services and customer treatment; and service interruptions and dropped calls.

Regulation 8(1) of the Adjudication Regulations mandates service providers to establish clear and easily-understood internal complaints resolution procedures for the resolution of complaints submitted directly to them by consumers. In addition, Regulations 8(2) and 8(3) of the Adjudication Regulations, puts an obligation on licensees to submit annual consumer complaints reports and internal procedures for the resolution of complaints submitted directly to them, to the Authority.



## FORM C CONSUMER COMPLAINT REPORT FORM (REGULATION 8(3)(a)

In terms of Regulation 8 (3) of the Regulations Regarding Procedures for the Adjudications of Disputes, service providers must maintain records of all complaints and provide an annual report to the Authority on this form.







Written by: Hilya Mhani

#### **HOW TO LODGE A COMPLAINT WITH CRAN**

In terms of Regulation 4 of the Regulations regarding procedures for the Adjudication of Disputes, consumer complaints must be submitted on the prescribed form, available from CRAN offices or on the website, www.cran.na

#### REQUIREMENTS BEFORE LODGING A COMPLAINT WITH CRAN

- By law, you are first required to approach your service provider to resolve the problem and afford them fourteen (14) days to attempt to resolve your complaint and only approach the Authority if your complaint is not adequately resolved;
- b. It is highly recommended to keep all correspondence with your service provider in writing;
- It is further recommended that you study and understand the Regulations regarding Consumer Complaints (available on the CRAN website);
- d. Ensure that you have the documents and other forms of materials you consider as evidence;
- If, in your opinion, your service provider did not adequately resolve your complaint within the mandatory 14 days, you can then file a complaint with CRAN;





- f. Your complaint must be submitted on the stipulated 'Customer Complaints Form';
- g. The Customer Complaints Form is available on the CRAN website (www.cran.na) for download.
- h. All complaints must include the following:
  - i. Full name and contact details of Complainant;
  - ii. The name of the person and/or the service provider against whom the complaint is lodged, or if the name of the person is unknown, provide as many identifying details in order to assist the investigation process;
  - iii. An accurate and concise statement of the facts demonstrating that the person and/or service provider for which the complaint was lodged;
  - iv. A clear and concise statement of the specific solution required; and
  - v. Any other relevant information.

## WHAT TO KNOW WHEN LODGING A COMPLAINT WITH YOUR SERVICE PROVIDER

- 1. Service providers have 14 days to try and resolve the problem;
- 2. Preferably, lodge complaint(s) with a relevant senior representative from the service provider;
- 3. Request the full name and job title of the senior representative;
- 4. Keep records of the following: key discussion points, times and dates of conversations; and
- 5. Ensure that a reference number is provided.

#### WHAT TO COMPLAIN ABOUT

Below is a list of things you can complain about but is not limited to this list:

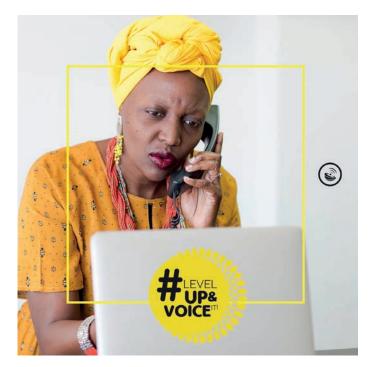
- a. Billing;
- b. Charges and refunds;
- c. Service delivery and product delivery;
- d. Confidential information;
- e. Customer service and customer treatment;
- f. Service interruptions and dropped calls;
- g. Failure to provide or repair Internet service;
- h. Interconnection problems;
- i. Delays in repairing and connecting service to customers;
- j. Fault repairs;
- k. Internet access contracts;
- I. Advertisement by radio and television broadcasters;
- m. Broadcasting content in terms of the Broadcasting Code;
- n. Reception and/or signal of broadcasting; and
- o. Complaints relating to postal services; and
- p. interception centres, where applicable.

All Consumer Complaints application forms are to be submitted by hand or electronically.

Hand delivered applications can be submitted at Moth Centre, Unit 3 – 5, Peter Muller Street, Windhoek;

By Post: Private Bag 13309, Windhoek 9000; Email: AEL@cran.na;

Faxed applications may be forwarded to +264 61 222790; or fax to e-mail to: 0886550852; and via our online Consumer Complaint Form available on CRAN's website www.cran.na









Government Cassens & Siconswitzer 2017

## FORM A COMPLAINT FORM (REGULATION 4(1))

of the Regulations Regarding Adjudication of I





#### CONSUMER COMPLAINTS REPORTS

Written by: Hilya Mhani

Pursuant to Regulations 8(2) and 8(3), on 06 December 2019, the Authority requested licensees to submit their Annual Consumer Complaints Reports and their Procedures for the Resolution of Internal Disputes for the period from 01 February 2019 to 31 January 2020. Said reports were due on or before 31 January 2020. The request was followed up with a reminder on 20 January 2020.

Of the 30 telecommunications service licensees that are obliged to submit their annual consumer complaint reports, only twenty submitted their reports, and ten licensees failed to comply with the regulation.

The Authority then analysed the reports as submitted by licensees and formulated a trend analysis. This analysis is then used to improve interventions for consumer protection and ensure compliance with Section 79 of the Act. The trend analysis will additionally be used to make short- and long-term strategic objectives on consumer protection.



## Know

Are you not receiving fair treatment when it comes to Information and Communications Technology (ICT)? It's time to #LevelUp and #Voicelt by filing a consumer complaint. Here's how you can be a Hero:

Go to our Website www.cran.na and click on the CONSUMERS tab, go down to forms, click the relevant form and let us help you.

















In this publication, the reports on consumer complaints received by the Authority are divided into two parts; Part A analyses reports submitted by Telecommunication Service Licensees and Part B analyses reports submitted by Broadcasting Service Licensees respectively. The aim of the report is to provide an overview of the trends pertaining to consumer complaints and also to show progress in the adjudication of complaints in accordance to the Adjudication Regulations for the period from 01 February 2019 to 31 January 2020.

#### **Telecommunication Service Licensees**

During the period from 01 February 2019 to 31 January 2020, the Authority had 40 Telecommunication Service Licensees who were requested to submit their annual consumer complaints reports and their internal procedures for the resolution of disputes for the same period.

Thirty of the forty Telecommunication Service Licensees had an obligation to submit reports in terms of Regulation 8. The remainder of the ten licensees hold a Class Non-Profit Electronic Communications Network Services (ECNS) licence, which means they do not provide services to consumer and are therefore not obligated to submit consumer complaint reports.

The following licensees did not submit their Annual Reports and Internal Complaints Procedures, though obligated to do so by the type of licences held:

Table 1: Licensees that did not submit reports

1.	Mantle Investments (Pty) Ltd
2.	Loc8 Mobile CC
3.	Demshi Investments CC
4.	Coastal Network Solutions CC
5.	Excellent Communications (Pty) Ltd
6.	Data Continuity Namibia (Pty) Ltd
7.	Namibia Power Corporation (Pty) Ltd
8.	Schoeman Technologies (Pty) Ltd
9.	Oblixx Communications Networks CC
10.	Atlas Towers (Pty) Ltd

#### **Annual Consumer Complaint Reports**

The table below depicts the number of complaints submitted to the telecommunication service licensees as well as the time frame during which these complaints were finalised. Licensees are obligated to deal with complaints within 14 days once received. If licensees fail to finalise the complaint, they must advise the consumer to approach the Authority for relief.

The Mobile Telecommunications Company (MTC) statistics indicate that eight matters were unresolved and were referred to the Authority for resolution.



## File a Consumer Complaint



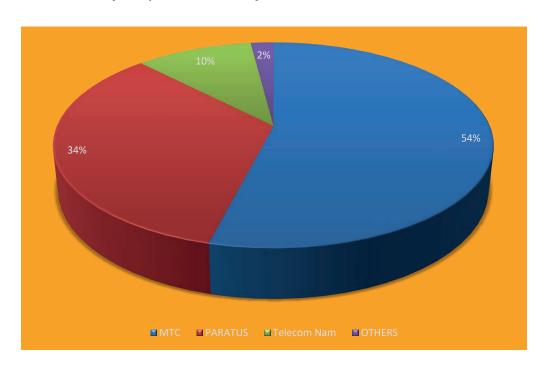
#### Complaints submitted directly to licensees

Complaints submitted directly to licensees								
LICENSEE	TOTAL SUBSCRIBERS (CONSUMERS)	COMPLAINTS	COMPLAINTS RESOLVED WITHIN 14 DAYS	COMPLAINTS RESOLVED AFTER 14 DAYS	COMPLAINTS NOT RESOLVED	COMPLAINTS SUBMITTED TO CRAN		
Mobile Telecommunications Limited	2,597,232	36,217	36,210	7	8	8		
Mwireless (Pty) Ltd	812	1	1	-	1	1		
Cosmos Digital (Pty) Ltd	-	14	14	-	-	-		
Powercom (Pty) Ltd		6	4	2	-	-		
Integrated Communication Systems CC	-	-	-	-	-	-		
Telepassport CC	-	36	36	-	-	-		
Paratus Telecommunications (Pty) Ltd	5,626	22,685	20,800	1,123	682	-		
Witel Service Provider CC	1,650	559	559	-	-	-		
Converged Telecommunications Solutions	-	19	19	-	-	-		
Q-Kon Telecom CC	-	239	223	11	-	-		
Salt Essential CC	6	20	-	-	-	-		
Dimension Data Namibia (Pty) Ltd	-	-	-	-	-	-		
Telecom Namibia Limited	554,579	6,873	4,714	2,158	61	19		
IT Guru Solutions CC	155	15	15	-	-	-		
Misty Bay Investments CC	156	75	75	-	-	-		
Omnitel (Pty) Ltd	-	2	2	-	-	-		
Bidvest (Pty) Ltd	-	-	-	-	-	-		
MTN Business Solutions (Namibia)(Pty) Ltd	676	548	543	5	-	-		
Virtua Porting XS (Pty) Ltd	-	-	-	-	-	-		
Focus Engineering CC	-	-	-	-	-	-		





#### Total number of Complaints received by licensees





#### Let's **#LevelUp** access to telecommunications services in Namibia.

Because no one should be left behind. In a growing digital economy. Universal Access Obligations means everyone can benefit from telecommunications services. CRAN must ensure Universal Service Obligations are sustainable, practical and commercially viable. Reaching those furthest behind without distorting the market, shaping the capacity and the landscape to fully harness the many opportunities and benefits telecommunications bring.

Our vision is accessible, affordable and quality ICT services and products for all.











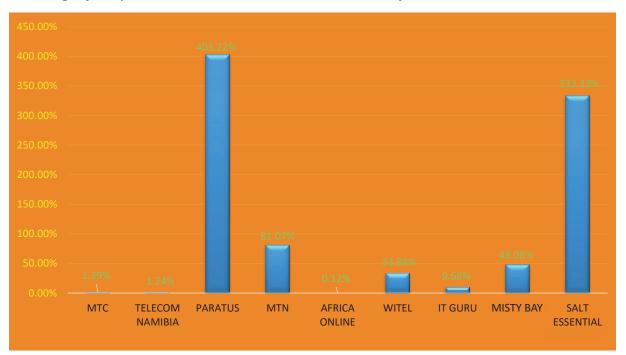




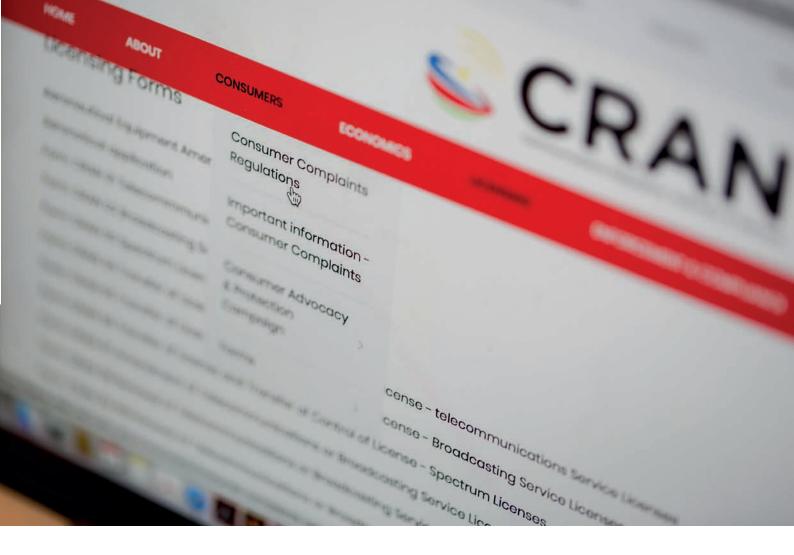
The graph above indicates that MTC received the most complaints, at 54%, followed by Paratus at 34% and Telecom Namibia Limited (Telecom Namibia) at 10% respectively. The rest of the licensees constituted less than 2% of complaints received.

It should be taken into consideration though that MTC has the largest customer base in the country. The graph below illustrates the percentage of complaints received by the licensees relative to the total number of customers they have. The number of customers are calculated based on the number of active SIM cards as well as subscriptions (such as FTTH).

#### Percentage of complaints received relative to the total number of customers







During the period under review, Paratus recorded the highest complaints received relative to its number of customers (403.22% for every 100 customers, or four complaints per customer on average), followed by Salt IT Essential (333.33% for every 100 customers or three complaints per customer on average). This could indicate that, for example, one customer lodged more than one complaint to the licensee during the period under review, or submitted the same complaint several times because it was not satisfactory dealt with within the 14day period

It is important to note that although MTC received more complaints in total figures than all of the other licensees combined, which number only represents a mere 1.39% of their customers, MTC managed to resolve most of the complaints it received within 14 days.

The low number of complaints on the other hand might also be due to a number of other factors, including:

- Good quality of service or a problem being solved 1) immediately when a customer complains;
- 2) Poor record keeping of complaints by the licensee;
- 3) Slow progress in resolving complaints;
- Customers not complaining because they have be-4) come complacent; and
- Customers not complaining because there might 5) be no other service provider.

It is of concern to the Authority that Paratus has received the second most complaints in absolute numbers as well as the highest number of complaints received relative to its customer base, with more than 600 cases still unresolved and none of which have been referred to the Authority.

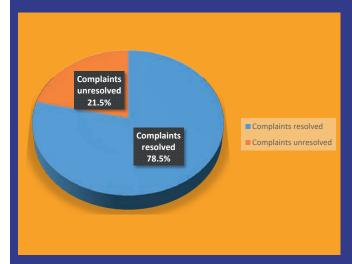
This could be explained by constant feedback provided by Paratus to their consumers on actions taken to resolve the problem, or that alternative solutions are being jointly pursued between the customer and the licensee.



#### **Complaints referred to the Authority**

The Authority received 28 complaints against telecommunication service licensees during the period under review. From 01 February to 31 January 2020, 22 complaints were resolved (78.5%) and 6 complaints were unresolved (21.5%). See graph below:

Complaints received by the Authority against **Telecommunication Service Licensees** 



A comparison of these statistics with those of the corresponding period in 2018/2019, reflects that the total number of complaints received by the Authority from consumers decreased by 17.6% and that the number of complaints resolved by the Authority increased by 8.5%.

A total of 68% of complaints received by the Authority during the period 2019/2020 were against Telecom Namibia. MTC received the second highest number of complaints with 29% while 3% of the total complaints were against Africa Online. No complaints have been received against other licensees, including Paratus, which had only one complaint during the 2018/2019 review period.

The Authority also received general complaints against non-licensees to which the Authority does not have jurisdiction to adjudicate disputes. These complaints do not form part of the statistics in this report.



## Social media is not a game

It is where real people come to connect & share

Running your mouth online has consequences Comments, requests, suggestions, threats, abuse or intent to annoy is an offence.

Liable persons can pay up to 20 000 NAD along with serving a sentence. #LevelUp your social media etiquette. Think before you post.









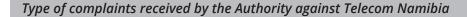


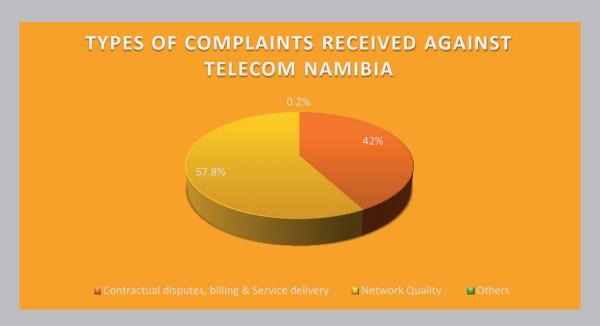




#### Nature of the complaints received by the Authority

This section of the report deals with the nature and types of complaints received by the Authority against Telecom Namibia and MTC. As indicated earlier, the Authority received 28 consumer complaints during the period 2019/2020, 68% of which were against Telecom Namibia and 29% against MTC, respectively.





As illustrated in the above graph, 42% of the complaints received against Telecom Namibia relate to billing, service delivery and contractual disputes. These disputes centre mainly around the termination clause in their subscription agreements. 57.8% of the complaints received relate to network quality, specifically to poor service connection or poor quality of service. An example of this type of complaint received is described below.

In the complaint of Francois Tromp/Telecom Namibia, submitted to the Authority on 06 August 2019, the complainant complained of the poor internet signal in his area of residence. Telecom Namibia lodged an investigation into the matter, which revealed that 16 other customers within the same area reside at the edge of the tower signal sector, resulting in poor signal quality. To resolve the issue, Telecom Namibia installed an additional tower sector and migrated all identified customers to the new sector.

The above complaint had a widespread effect as Telecom Namibia, in finalising this single complaint, improved their network and service quality provision to all 16 customers affected.

A comparative analysis between the reporting period 2018/2019 and the reporting period 2019/2020 indicates:

- A 20.8% decrease in complaints received against Telecom Namibia; and
- A 7% decrease, in the number of complaints submitted pertaining to poor service connection, which relates mainly to slow internet connections.



#### **Mobile Telecommunications Company**

The Authority received 8 complaints against MTC of which 5 (62.5%) were resolved as at 31 January 2020.

Types of complaints received against MTC



As depicted in the graph above, 75% of the complaints received by the Authority related to contractual disputes, in particular, the termination clause in their subscription agreement, while 25% of the complaints related to billing charges, in particular, charges related to roaming and customer service.

A comparative analysis between the reporting period 2018/2019 and 2019/2020 indicates:

- A 55% decrease in the total number of complaints submitted to the Authority against MTC; and
- No complaints pertaining to poor internet connection was received as was the case during the 2018/2019 period.

## Telecommunication service licensees' internal consumer complaint procedures

Only the Telecommunication Service Licensees indicated in the above table submitted internal procedures for the resolution of complaints submitted directly to them by consumers.

It is worth mentioning that these licensees' submissions were complaints in line with the provisions in Regulation 8.

#### **Broadcasting Service Licensees Complaints Statistics**

During the period from 01 February 2019 to 31 January 2020, the Authority had 37 Broadcasting Service Licensees who were requested to submit their annual consumer complaints reports for the same period.

### The following licensees, as listed below, did not submit reports and internal complaints procedures:

- 1. Namibia Broadcasting Corporation
- 2. Trinity Broadcasting Namibia (TBN)
- 3. Satelio Television
- 4. Oranjemund Community Radio
- 5. Hardap Radio
- 6. Shalom Messenger Ministries
- 7. Trustco Administrative Support Services (Pty) Ltd
- 8. Rapids FM
- 9. Karas FM
- 10. Omaheke Community Radio
- 11. Kunene Community Radio
- 12. Radio 100 (Pty) Ltd t/a Radio Energy
- 13. West Coast FM (Pty) Ltd
- 14. 99FM (Pty) Ltd
- 15. NAMCOL
- 16. Universal Media CC
- 17. Usakos Radio Station
- 18. Gospel Mission Ministries
- 19. Nexit Investment CC





#### Complaints submitted directly to Licensees

The table below depicts the number of complaints received by the broadcasting service licensees directly from their consumers:

Complaints received by licensees

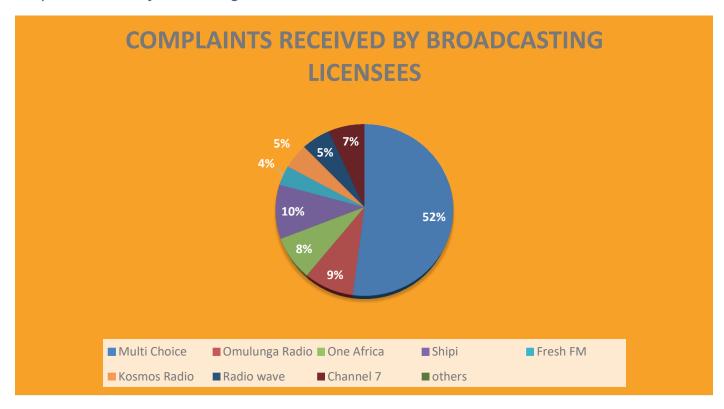
Tompramies received by nechisees	Complaints received by licensees							
LICENSEE	COMPLAINTS RECEIVED	COMPLAINTS RESOLVED WITHIN 14 DAYS	COMPLAINTS RESOLVED AFTER 14 DAYS	COMPLAINTS NOT RESOLVED	COMPLAINTS SUBMITTED TO CRAN			
Omulunga Radio	26	7	19	-	-			
West Coast FM	-	-	-	-	-			
Unam Radio	1	1	-	-	-			
One Africa Television	24	24	-	-	-			
Fresh FM	11	10	1	-	-			
Shipi FM	30	30	-	-	-			
EFM	-	-	-	-	-			
Multi Choice	153	153	-	-	-			
Radio Wave	16	16	-	-	-			
Hype Radio	-	-	-	-	-			
Cosmos Digital	14	14	-	-	-			
Jazz FM	3	3	-	-	-			
Base FM	1	1	-	-	-			
Rapids FM	-	-	-	-	-			
Eagle FM	-	-	-	-	-			
Hit Radio	-	-	-	-	-			
Channel 7	20	20	-	-	-			

According to Regulation 8(3) of the Adjudication Regulations, the licensees are required to resolve the complaints within 14 days upon receipt of complaint from the consumer.

The table above shows that most broadcasting licensees resolved the complaints submitted to them within 14 days, apart from Omulunga Radio and Fresh FM that had 19 complaints and 1 complaint respectively, which were resolved after 14 days. No complaints were submitted to the Authority against any broadcasting licensee.







The graph above shows the complaints received by broadcasting licensees from consumers. The statistics received by the Authority indicates that a total number of 294 consumer complaints were received by the broadcasting licensees collectively.

Multi Choice Namibia received over 50% of the recorded complaints, followed by Shipi FM and Omulunga Radio with 10% and 9% respectively.

#### Conclusion

Consumer protection remains at the core of the Authority's mandate. This trend analysis demonstrated that the Authority is not only instrumental in resolving disputes between consumers and licensees, but also in assisting licensees to handle and resolve complaints in an effective and efficient manner. However, an in-depth analysis on consumer behavior and the difference between licensees could not be done due the limited high-level information collected by the Authority.



www.cran.na



CRANAMIBIA Communi cations Regulatory
Authority of Namibia (CRAN)





## VISION | MISSION | VALUES

#### ~ VISION ~

Access, quality and affordability for all.

#### ~ MISSION ~

To regulate the ICT and Postal sector for the socio-economic benefit of all Namibians.

#### ~ VALUES ~

Accountability Passion **Teamwork** Respect Innovation











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CRANAMIBIA



Communications Regulatory Authority of Namibia (CRAN)

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