



Suruhanjaya Komunikasi dan Multimedia Malaysia
Malaysian Communications and Multimedia Commission

**A REPORT ON A PUBLIC CONSULTATION
ON THE PROPOSAL FOR THE REQUIRED APPLICATIONS
SERVICES OPERATIONAL DETAILS UNDER SECTIONS 193(2)
AND 194 OF THE COMMUNICATIONS AND MULTIMEDIA ACT
1998**

12 July 2006

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ABBREVIATIONS

CfM	Consumer Forum Malaysia
DAS	Directory Assistance Services
ES	Emergency Services
IDD	International Direct Dial
JPA3	Jabatan Pertahanan Awam (Civil Defence)
MCMC	Malaysian Communications and Multimedia Commission
MEWC	Ministry of Energy, Water and Communications
MNP	Mobile Number Portability
OAS	Operator Assistance Services
OD	Operational Details
OLNO	Other Licensed Network Operator
PC	Public Consultation
PCS	Public Cellular Service
PDPA	Personal Data Privacy Act
PP	Public Payphone
PSTN	Public Switched Telephone Network
PDRM	Polis DiRaja Malaysia
QOS	Quality of Service
RAS	Required Applications Services

EXECUTIVE SUMMARY

On 22 December 2004 the Minister of Energy, Water and Communications made determinations pertaining to the list of RAS and the classes of persons who should provide RAS. The Minister also issued a Direction pertaining to emergency services.

The Commission on 12 October 2005 published a PC paper in relation to the approach and implementation of the RAS. The PC paper on RAS set out the Commission's preliminary views on the issues of RAS implementation and invited comments in response to several questions. By the end of the consultation the Commission received nine submissions.

Another round of consultation was conducted from 1st March 2006 to 14 March 2006 to give the public an opportunity to provide their inputs on the Commission's views before finalisation. The Commission received five submissions for the second round of consultation. Having considered the submissions received in response to the PC, the following summary represents the Commission's final views on the issues raised.

OPERATOR ASSISTANCE SERVICES

Operator assistance services means the ability for the public to have:

- a. Fault reporting service which includes enabling customers to report on faults such as interruption of service, poor line quality and late or no restoration of service.
- b. Call connection service which includes providing assistance to make local and international calls and reverse charge calls.

Fault reporting

Fault reporting service enables subscribers to lodge complaints to service providers on the QOS. This service is available for the subscribers to make a report at no charge if the call is made on the service provider's network. However, there will be charges incurred if the call is made from another service provider's network.

a) Charges for calling using other network

Currently, service providers provide an alternative number for subscribers to make fault reporting calls in case the subscribers cannot call using the service provider's network or the fault reporting number is not working. In many cases these alternative numbers incur charges as it is made from a different service provider's network. The Commission sought feedback on whether it is acceptable to charge subscribers for making fault reporting calls from another network.

The Commission acknowledges, from the feedback, that when a caller makes a fault reporting calls through a network provided by another network operator there are fault reporting call charges incurred by the network operator. However, network operators should not pass the charge for the fault reporting calls to the caller. The

charges relating to the fault reporting calls should be borne by the service provider for whom the call is intended.

The Commission's mandates that for a fault reporting call, subscribers should not be charged for the call.

b) Charging differences between PSTN numbers and Mobile numbers

The PC paper also posed the question whether there should be any differences for charges incurred depending on whether the call is made from PSTN or PCS network. This is because currently the Rate Rules 2002 do not state the charge for fault reporting be it for PSTN or PCS. Furthermore, at interconnection level there is no distinction made for fault reporting calls.

The Commission acknowledges that there will be differences in the charging for calls made from PSTN and PCS network.. However in principle, subscribers to the services should not be penalised for making fault reporting calls regardless of the network used to make the call. In the case where a subscriber has to use other networks to make the fault report it is the responsibility of the subscriber's service provider to accept the call at no charge. This will also act as an incentive for service provider to improve their QOS.

In view of the above, the Commission is of the view that service providers be mandated to make available fault reporting services for subscribers at no charge regardless of the network used. The Commission further mandates, for consumer ease of use the service providers should make available a specific number for fault reporting calls.

Call Connection

In general, call connection services include local call connection, international call connection and reverse charge or collect call connection.

However, the service provisioning differs depending on the type of services provided and service provider. The service is commonly available in PSTN services but not to PCS services or PP services.

c) Should PCS and PP service providers provide call connection services?

Currently call connection service is being provided by some PSTN service providers as a value added service. The consultation sought to obtain the public's view on whether the same service should be provided by PCS and PP service providers.

The Commission noted that today with the availability of IDD connectivity from the PSTN, PCS and PP services the need for operator assistance for call connection service has diminished. Furthermore, with the growing customer familiarity on the use of these types of services, the customers are sufficiently experienced to initiate calls on their own. As such, provisioning of call connection service is no longer seen as essential but as a value added service that service providers offer to its customer.

Therefore, the Commission mandates the call connection service for PSTN but not to make it mandatory for PCS and PP to provide call connection service. However, they may provide the call connection service if they wish to do so on a voluntary basis as a value-added service.

DIRECTORY ASSISTANCE SERVICES

DAS means the ability for the public to obtain the telephone number of a particular customer provided that information on that customer's telephone number is available for disclosure i.e. customers opt to be listed in the directory.

Currently DAS is provided by TM using the 103 number. The DAS only applies for PSTN subscribers' telephone number enquiry.

d) Should DAS apply to both PSTN and PCS services or just to PSTN services

Currently DAS is available for the public to enquire PSTN subscribers. In certain countries DAS availability has been extended to include enquiries of PCS subscribers' phone number as well. Therefore, the consultation sought to obtain the view of the public on whether there should be a DAS for PCS subscribers in Malaysia.

The Commission is of the view that directory assistance is a public service and thus it should be made available. The concern about the privacy of the subscriber can be addressed by ensuring subscribers shall have the right to choose not to be included in the directory.

Based on the response gathered the Commission mandate that DAS be made available for both PSTN and PCS subscribers telephone number. However, subscribers shall have the choice not to be included in the directory.

e) Assuming that PCS DAS is introduced;

- i. Should the PCS providers provide the DAS services individually?**
- ii. Should the PCS service providers collaborate for a single directory for all subscribers?**

Based on the response received it is clear that the general consensus is that there should only be one access number for the DAS for both PCS and PSTN. This makes it easier for the public to access the DAS as they only need to remember one DAS number.

Currently, this is already being done for PSTN service where all PSTN service providers provide their subscribers' information to TM for DAS. As such, the Commission mandate that a single DAS be introduced to access PCS subscribers' telephone numbers except for subscribers who chooses not to be listed.

However, on the management of the DAS database, the Commission will leave the matter to the service provider to find the best and most practical solution to ensure a cost effective and efficient DAS.

iii. How should the implementation of MNP be accommodated in relation to PCS DAS

There are concerns that the implementation of MNP can affect the operations of DAS for PCS. Therefore, in this question the Commission sought to know how the implementation of MNP will have an effect on PCS DAS if it is introduced.

Generally, based on the feedback the Commission concludes that since the implementation of MNP is still in its early stage there are no clear implications with regards to the implementation towards PCS DAS.

f) Should DAS be offered by PP service providers?

Currently PP service providers do not allow PP users to make DAS calls. PP providers cited fraud as the main reason why the PPs are barred from making DAS calls. As such the consultation sought to obtain the public's opinion on whether PP should provide DAS.

Based on the feedback received the Commission is of the view that DAS is a public service that should be widely available and accessible including through PP. PP being a service which is easily accessible should not deprive its users from making DAS calls. Therefore, the Commission has decided that PP service provider should allow users to call DAS on PP. Any charges should follow the Rate Rules 2002.

g) Should the DAS cover enquiries using the telephone number to seek the name of the subscriber?

DAS for PSTN currently operates on the basis that the name of the subscriber is provided by the caller and the operator will search for the telephone number.

The Commission sought to obtain the public's opinion on whether an enquirer using the DAS can seek the name of a subscriber with just the telephone number i.e. provide the telephone number to obtain the subscriber's name.

Based on the feedback given the Commission is of the view that enquiries should only be made using the name of the subscriber to seek the telephone number and not vice versa.

EMERGENCY SERVICES

Emergency Services means the ability for the public to call to an operator who will connect them to emergency service agencies which includes the police, ambulance services and fire services.

h) Is there a need to mandate service providers to up-date customer information on a regular basis and what safeguards should be implemented in the event such a database is implemented?

Phase 2 of the emergency service provisioning requires that information of an emergency caller to be passed to PDRM who will handle emergency calls. This implementation gives rise to the need for a proper and up to-date subscriber database to be kept by the service providers to ensure prompt action.

The consultation sought to obtain public's opinion on what should be the safeguard for the subscribers information as there are concerns on the confidentiality of customer information.

Based on the feedback received, the Commission mandates that the service provider develops procedures to ensure that customer details are regularly updated.

The Commission has decided that all relevant service providers are to provide the emergency call information required by PDRM on a call-by-call basis.

i) Should JPA3 991 service be listed as part of the obligatory RAS emergency services in the Commission Direction?

Currently, the RAS Ministerial Determination listed emergency services as emergency services for end users to contact the police, ambulance and fire services.

JPA3 is an emergency service agency which covers major accidents, national disasters and humanitarian relief. JPA3 was not included in the original Ministerial Determination.

However, based on the feedback given the Commission recommends that JPA3 be included in the RAS as an emergency service agency since JPA3 also provides ambulance and rescue services.

j) Should 112 emergency calls in Malaysia allow for calls whether without SIM card or with SIM cards that have lapsed, or whose service has been terminated for any other reason?

112 emergency call is a GSM standard that requires all GSM based cellular telephone to be able to dial 112 for emergency calls. This is in addition to the country's national emergency call number.

However, the implementation of 112 calls varies from one country to another. This resulted in a variation of adoption of 112 calls in different countries. Countries such Malaysia do not accept 112 calls without SIM card or which had lapsed or have been terminated due to the current network inability to recognize the "A" number of the call.

As such, the Commission seeks to understand whether is it acceptable to receive 112 calls without SIM card or SIM card that have lapsed or have been terminated.

After taking into consideration the feedback received the Commission feels that the possibility of making emergency calls without the SIM card is remote. The Commission also notes that it may not be practical or justifiable for the service

providers to invest to ensure that the call centre accepts 112 emergency calls from mobile numbers which has lapsed or do not have a SIM card.

k) Should emergency service calls be allowed to be made even for disconnected accounts?

Currently, disconnected accounts are not allowed to make any calls. As such Commission sought to know whether emergency calls should be allowed even after a subscriber's account has been disconnected or terminated.

Based on the feedback received the Commission mandates that the PSTN and PCS providers should not allow for calls to be made from disconnected or terminated lines. This is because, technically once a service has been disconnected or terminated there will no longer be any dial tone for calls to be made.

RAS IMPLEMENTATION

l) Is it necessary to mandate a standard for DAS and OAS or should it be left for the service provider to decide?

Apart from the mandatory standards which have been imposed on PSTN and PCS service providers for standard on operator speed of answer for emergency services there are no standards mandated for DAS and OAS to ensure the QOS level for service providers. As such the Commission sought to know whether there is a need to mandate standards for DAS and OAS.

Based on the views received, the Commission sees no necessity currently for a mandatory standards to be imposed for the DAS and OAS service. The industry should be allowed to self regulate on this matter. However, the Commission proposed for the mandatory standards on emergency services be reviewed to ensure higher levels of efficiency for the benefit of consumers.

m) What impact, if any, would the implementation of MNP have on the RAS and what action should be taken to minimize disruption of services?

Based on the Commission's plan to implement the MNP, the Commission would like to obtain feedback from the public whether it would have any impact to the implementation of RAS.

The Commission recommends that based on the feedback received it is still early to determine any significant impact of MNP on RAS. Further study will need to be taken to determine MNP's impact towards RAS.

Table 1: Summary of comments received and the Commission's final views

	Item	Comments by service providers	Comments by others	Commission's final views
a.	Charges for fault reporting using other network	Yes, subscribers should be charged	No, subscribers should not be charged	No, subscribers should not be charged.
b.	Charging differences between PSTN and PCS numbers	Yes, there should be differences	No, there should not be any differences	Yes, there will be charging differences. Subscribers should not be charged for making fault complaints.
c.	Call connection service for PCS and PP service	PCS should not provide call connection	Both services should provide call connection	PCS and PP are not mandated to provide call connection service.
d.	DAS for PSTN and PCS service	DAS should be limited to PSTN	Both services should provide DAS	PSTN and PCS service providers should provide DAS
e.	Assuming that DAS for PCS is introduced i. Should it be provided individually	There should only be one DAS	There should only be one DAS	There should only be one DAS
	ii Should the PCS collaborate for a single DAS	Yes	Yes	Yes
	iii Impact of MNP on PCS DAS	MNP is still in the early stage	MNP is still in the early stage	MNP is still in the early stage
f.	Should PP allow DAS call	Depends on the PP	Yes	Yes
g.	DAS enquiries; name to obtain number and vice versa or only name to obtain number	Provide name to obtain number	Provide name to obtain number	Provide name to obtain number
h.	Mandating database update and provision of information	No mandating is necessary	Mandating is important to ensure that	SPs are required to ensure that

			database is updated	procedures in place for database update. Information to be made available on a call-by-call basis.
i.	JPA3 as emergency service	Yes	Yes	Yes
j.	112 number without SIM card	No	Yes	No
k.	Calling emergency after accounts disconnected	No	Yes	No
l.	Mandating standards for DAS and OAS	No	No	No
m.	Impact of MNP on RAS	It is still early to determine the impact on RAS	It is still early to determine the impact on RAS	It is still early to determine the impact on RAS

SECTION 1: INTRODUCTION

RAS Operational Details

On 22 December 2004, the Minister made Determinations pertaining to the list of RAS and the classes of persons who should provide RAS. The two RAS Ministerial Determinations are available on the MCMC website at www.mcmc.gov.my. The Minister also issued a Direction pertaining to emergency services. The RAS Ministerial Direction is also available on the MCMC website.

With the issuance of the RAS Ministerial Determinations and Ministerial Direction, the Commission is to issue a Commission Direction under section 194 of the CMA, specifying the operational details pertaining to RAS.

Public Consultation

On 12 October 2005 MCMC launched a PC in relation to the approach and implementation of RAS operational details. MCMC invited written submissions from interested parties on the contents of the PC document. The purpose of the consultation process was to provide the public with the opportunity to provide comments and inputs to the proposed OD. The comments received will assist the Commission in finalising the RAS operational details.

A draft report was published on March 2006 for public review.

Submissions received

At the close of the PC at 12 noon, on 11 November 2005, The Commission received nine submissions. In addition, MCMC also received one submission from PDRM on 19 December 2005 i.e. after the deadline. Although as a general rule the MCMC does not accept late submission for consideration, in this instance it was decided to accept the late submission as comments from PDRM are important in moving the RAS direction forward.

Table 2: List of submission

No.	Submitting Party	Documents
1	First Principles Sdn Bhd (First Principles)	1 Submission (10 pages)
2	Celcom (M) Berhad (Celcom)	1 Submission (24 pages)
3	Telekom Malaysia Berhad (TM)	1 Submission (20 pages)
4	Maxis Communications Berhad (Maxis)	1 Submission (17 pages) – Confidential
5	Time dotCom Berhad (TIME)	1 Submission (6 pages)
6	DiGi Telecommunications Sdn Bhd (DiGi)	1 Submission (16 pages) – Confidential
7	Jabatan Pertahanan Awam Malaysia (JPA3)	1 Submission (4 pages)
8	Jabatan Bomba dan Penyelamat Malaysia (Bomba)	1 Submission (1 page)
9	Comintel Sdn Bhd (Comintel)	1 Submission (5 pages)
10.	Police DiRaja Malaysia (PDRM)	1 Submission (3 pages)

Draft Report Consultation

The draft report was published on 1 March 2006 to allow the public another opportunity to provide their inputs on the Commission's views before finalization.

At the end of the consultation period which was made between 1 and 14 March 2006, the Commission received five submissions.

Table 3 : List of Submission

No.	Submitting Party	Documents
1	Celcom (M) Berhad (Celcom)	1 Submission (2 pages)
2	Telekom Malaysia Berhad (TM)	1 Submission (6 pages)
3	Maxis Communications Berhad (Maxis)	1 Submission (8 pages) – Confidential
4	DiGi Telecommunications Sdn Bhd (DiGi)	1 Submission (5 pages) – Confidential
5	Comintel Sdn Bhd (Comintel)	1 Submission (7 pages)

SECTION 2 : STRUCTURE OF THE REPORT

The remainder of the RAS OD PC report is structured as follows. The intention is to broadly follow the structure of the RAS OD PC paper in order to provide a consistent context for the MCMC's specific questions for comment. The specific questions in the PC paper are sequentially duplicated in each chapter, to enable the MCMC to systematically detail its final view on the submissions that are relevant to each issue.

- SECTION 1: INTRODUCTION
- SECTION 2: STRUCTURE OF THE REPORT
- SECTION 3: GENERAL PRINCIPLES
- SECTION 4: OPERATOR ASSISTANCE SERVICES
- SECTION 5: DIRECTORY ASSISTANCE SERVICES
- SECTION 6: EMERGENCY SERVICES
- SECTION 7: RAS IMPLEMENTATION
- SECTION 8: OTHER COMMENTS AND VIEWS

The MCMC has given due consideration to all issues raised in the submissions received. The MCMC thanks interested parties for their participation in this consultative process and for providing their written submissions.

SECTION 3 : GENERAL PRINCIPLES

The PC outlines the structure of the OD to be developed and to be subsequently tabled to the relevant licensees.

1. Previously, under the Telecommunications Act 1950, the domestic trunk network (PSTN) service providers and cellular service providers were obligated to provide emergency services and directory information services by virtue of their licence conditions. However, this is no longer the case.
2. Under the CMA, the Minister determines what services are classified as RAS and it is mandatory for the relevant service providers to provide RAS.

SECTION 4 : OPERATOR ASSISTANCE SERVICE

a) Should subscribers pay for fault reporting when the call is made from another network?

Comments

First Consultation

Generally, the three PCS providers, Celcom, Maxis and DiGi agree that subscribers should pay for fault reporting when the call is made from another network.

The PCS providers argued that other operators should not be burdened by the call and subscribers should pay for the fault reporting as the network resource of another operator is being utilized. Furthermore, Maxis mentioned that other operators should not be made to subsidize or pay for calls made for the purpose of reporting faults on other networks.

TIME added that the charges depend on the number provided by a service provider. If it is free phone number or short code, it will probably be free but if the number provided is the normal 8 digit number then the customers will be charged accordingly as per the Rate Rules, as in the case of PSTN.

However, if there is an interconnect charges incurred, the operator should be allowed to recover the cost by charging their customers.

TM also agreed that fault reporting should be free from the same network in relations to where the call is made. However, from another network the calls should be chargeable because the network resource of the other service provider has been utilized and it is only fair that the service providers are reimbursed.

TM added that if other operators do not operate call centres and seek to pass their obligation to other service provider (such as TM), then the service provider who handles the calls should be able to charge reasonable interconnection charges to recover cost.

On the other hand, The Civil Defence Department and First Principles do not agree that the consumers should be made to pay for fault reporting either from the service provider's network or other network. The Civil Defence Department states that service providers should reach a Memorandum of Understanding (MOU) agreement to ensure that the service can be provided free in the interest of the consumers.

First Principles argument in support were that the mechanism by which fault reporting is made is usually through the next available access device which may not be from the same network. Therefore, it is not reasonable that the person who agrees to allow the call to be made be charged for allowing access for the fault reporting call.

First Principles further propose that a suitable common short codes be designated for fault reporting since the numbering plan has not been publicized yet. Charging, as

stated by First Principles, should be of the service provider whose fault report is to be made so as not to penalize the caller or the subscriber.

Second Consultation

Four licensees commented that the Commission's proposal to allow subscribers to make fault reporting call without being charged irrespective of the network the subscribers used in unfair.

The responses reiterate that it is only fair to compensate the other operator when the call is made from another operator's network because the network resources of another operator have been utilized.

All four licensees added that the service providers will bear the burden of carrying the fault reporting cost should it originate from their network. Celcom suggested it would be more appropriate if a toll-free or free phone number is utilized and the service providers offer this service based on the origination service model.

To the requirement of a specific number for fault reporting, TM added that currently OLNO have their own set of telephone numbers for fault reporting. TM utilizes the 100 number. However, the OLNO do not provide access to this number. If the access was to be opened by all OLNO then customers may use the other operator's network to access TM's 100 fault reporting number.

Commission's Final views

- The Commission takes note of the comments made by the interested parties.
- Generally, the feedback agrees that there should not be any charges imposed on the subscribers when making fault reports.
- However, the service providers are against the idea that they should provide this service free of charge if the calls are made from another network.
- The Commission acknowledges, from the feedback, that when a caller makes a fault reporting calls through a network provided by another network operator there are fault reporting call charges incurred by the network operator. However, network operators should not pass the charge for the fault reporting calls to the caller. The charges relating to the fault reporting calls should be borne by the service provider for whom the call is intended.
- The Commission's mandates that for a fault reporting call subscribers should not be charged for the call.

b) Should a distinction be made between charging for fault reporting on PSTN numbers and charging for fault reporting on mobile numbers?

Comments

First Consultation

PCS providers and PSTN service providers affirmed that there should be a distinction made between fault reporting on PSTN numbers and mobile numbers. Maxis's argument was based on the fact that the PSTN tariff is regulated and mobile tariff is not and hence there should be a distinction made in terms of charging.

DiGi added that PSTN and mobile network for fault reporting is no different than normal calls made to such networks and as such the termination principle remains the same taking into account the relevant network component cost. Therefore, if the call is made to any other PSTN network, regulated PSTN tariffs should apply. Similarly, calls terminating on mobile network will attract the mobile rates based on the pricing scheme of the individual operators.

TIME mentioned that logically, there should not be any difference in the rates charged for fault reporting if service providers place customers' interest as their top priority. But in the current scenario, TIME feels that the charges should be based on the cost incurred by the relevant operator in handling the calls. This cost should include interconnect cost if a mobile subscribers calls a PSTN fault reporting number or vice versa.

TIME further proposed that a distinction be made between charges charged to subscribers and those charged to operators/licenseses (interconnect charges). Lesser charges should be levied between the operators so there will not be any subsidized calls by subscribers. This as mentioned by TIME will enable service providers to recover their cost for providing such service to their subscribers.

The same argument was mentioned by TM in the sense that there are charging structure difference for origination and termination of calls for PSTN numbers and mobile numbers. Therefore the same approach should be adopted for fault reporting.

However, the arguments for different charges were not supported by First Principles and The Civil Defence Department. The Civil Defence Department mentioned there should be no distinction made whether the fault reporting comes from PSTN or mobile, after all the charges for it should be free.

First Principles pointed out that any charging difference should only be done if it is economically and legally justified. First Principles added that uniformity has the added advantage of reducing the possibility of profiteering from such a required service and would be in contrary to the long term benefit of the end-users.

Second Consultation

In the second public consultation, Maxis and TM are still of the view that a distinction should be made between charging for fault reporting on PSTN numbers and mobile numbers. Both mentioned that such distinction is necessary due to the existing different charging rates for origination and termination of calls for PSTN numbers and mobile numbers.

Commission's Final views

- The Commission takes note of the comments made by the interested parties.
- The Commission acknowledges that there will be differences in the charging for calls made from PSTN and PCS network. However in principle, subscribers to the services should not be penalised for making fault reporting calls regardless of the network used to make the call.
- In the case where a subscriber has to use other networks to make the fault report it is the responsibility of the subscriber's service provider to accept the call at no charge. This will also act as an incentive for service provider to improve their QOS.
- The Commission is of the view that service providers be mandated to make available fault reporting services for subscribers at no charge regardless of the network used.
- Relevant service providers should absorb all charges with respect to the fault reporting call either from within the same network or other network operators.
- The Commission further mandates, for consumer ease of use the service providers should make available a specific number for fault reporting calls.

c) Should PCS and PP service providers also provide call connection services?

Comments

First Consultation

Maxis, DiGi, Celcom, TIME and TM generally state that is not necessary for PCS providers to provide call connection. Maxis highlights their own experience whereby Maxis customers were able to complete the calls successfully based on the assistance of Maxis customer service personnel.

DiGi added that it is not necessary for PCS to provide call connection services as the implementation of this will involve complication to existing billing system to both prepaid and postpaid service. DiGi further adds that the investment can be better used for other services where the impact on customers is more noticeable.

Celcom, similar to other service providers iterated that since call connection can be made directly, people do not use it and hence there is no necessity to provide this service. Furthermore, there is a tendency for people to misuse the service which will not be paid by them.

Celcom, TIME and TM mentioned that PP should not be requested to provide call connection service as apart from being both not technically and economically feasible there may be a tendency for misuse of the service and not paying for it. Time PP service is operating using TM's lines. The phones that TIME operates do not provide call connection. TIME Reach payphones are barred from calls with free phone service numbers such as 0, 100, 108, 1051, 1800 XXX, 1600 XXX, 1300 XXX, 999, 991, 994 etc. TIME feels if such numbering level is opened up it may lead to fraud calls. Therefore any reverse charge cannot be made at TIME PP's since accessibility to operator numbers are not allowed.

Apart from the risk of fraud factor, TIME further added that PP operations sole source of revenue is outgoing calls charges, hence they are in no position to provide the customer convenience without fair compensation.

Maxis and DiGi did not provide any comments on call connection for PP.

Replies from non-service provider were different. The Civil Defence Department feel that the PCS and PP service providers should provide the same service, similar to PSTN service providers. First Principles feel that PP should provide for call connection service. The company argues that the call connection service is an important service in support of Malaysia's aim to be an education hub for foreign students.

First Principles however, acknowledge that with the current access pricing public inquiry done by MCMC such call connection may cause problems with access price billing especially of reverse charge calls made from mobile to fixed phones.

Noted : Maxis highlighted that it is offering PSTN service but does not provide call connection services as stated in the PC document.

Second Consultation

Maxis commented that with the availability of IDD connectivity from the PSTN, PCS and PP the need for operator assistance for call connection has diminished. Furthermore, with the growing customer familiarity on the use of these types of services, the customers are sufficiently experienced to initiate calls on their own.

As such the provision of call connection is indeed seen as a value added service. Therefore, Maxis believe that in addition to PCS and PP services, call connections service should not be mandated for PSTN service as the efficiencies in these network are comparable and sufficiently high.

Commission's Final Views

- The Commission agree that today, the need for operator assistance for call connection has diminished with the availability of IDD connectivity from PSTN, PCS and PP. As such provisioning of call connection service is no longer seen as essential but as a value added service that service providers offer to its customers.
- On the other hand, 97 percent of PSTN subscribers are TM customers as compared to the rest. Call connection has been an integral service to PSTN service as such users are already accustomed to the service provided.
- There will be customer's issue if TM chooses to stop this service if the RAS does not mandate call connection for PSTN.
- The Commission therefore, mandates the call connection service for PSTN but not to make it mandatory for PCS and PP to provide call connection service. However, they may provide the call connection service if they wish to do so on a voluntary basis as a value-added service.

SECTION 5: DIRECTORY ASSISTANCE SERVICE

d) Should DAS apply to both PSTN and PCS services or just to PSTN services?

Comments

First Consultation

Maxis, DiGi and Celcom strongly feel that the DAS should not be mandated for PCS providers. This statement was based on dipstick surveys which were conducted separately by the 3 PCS service providers. In the survey (small samples) conducted, the PCS service providers recorded a 90%, 83% and 70% response respectively from its customers who said they do not want their mobile numbers listed in the directory service.

All of them highlighted that their mobile customers have serious concern with regard to their privacy and are reluctant to share their mobile phone numbers or have it made accessible to the public.

Celcom state that it is a common practice to ensure the privacy of PCS subscribers and their confidentiality. The PCS providers proposed that the Commission undertake its own survey via the CATI mechanism to verify these results.

DiGi added that for the PSTN service, an arrangement via TM is already in place whereby DiGi's subscribers can call TM DAS by dialing a short code (103) to inquire about DiGi's PSTN subscribers' numbers. DiGi wants this system to remain.

TIME on the other is of the opinion that DAS should apply to both PSTN and PCS. However, TIME emphasized that it is important that subscriber's rights are honored. Subscribers should have the right to choose whether to disclose their numbers or otherwise in the directory and only their numbers should be revealed.

TM feels that DAS should only be mandatory for PSTN services at this stage. TM is of the opinion that it is a common practice to ensure the privacy of PCS subscribers and their confidentiality.

The Civil Defence department feels that the DAS should be provided by PCS service providers similar to the PSTN service.

First Principles argued that DAS should apply to all subscribers without any discrimination and that it will be beneficial for end users. Firstly, as not all numbers can be stored and secondly it will enable individual end users to find out other subscriber numbers with ease.

Second Consultation

Maxis and DiGi argued that DAS should be mandated for PCS services. In the earlier reply all the three PCS mentioned that their survey shows that approximately 90% of their subscribers do not agree to have their information available in a DAS.

They maintained that the confidentiality of the subscribers and their privacy rights would be jeopardized in listing their mobile phone numbers in the directory.

Maxis further added the compared to PSTN a mobile phone is considered to be very personal and is physically close to the customer.

However, based on MCMC's view that there should be a DAS for PCS, Maxis request MCMC to consider an opt-in rather than opt-out option. This is in consideration of the existing 19 million PCS subscribers which could lead to serious congestion to their customer service centers and call centers in managing the DAS registration.

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- The Commission is of the view that directory assistance is a public service and thus it should be made available. The concern about the privacy of the subscriber can be addressed by ensuring subscribers shall have the right to choose not to be included in the directory.
- Based on the response gathered the Commission mandates that DAS be made available for both PSTN and PCS subscribers telephone number. However, subscribers shall have the choice not to be included in the directory.
- The implementation of DAS for PCS is dependant on the information available in the directory. As such, opt-out is still the best way to get the DAS to be populated. The Commission mandates that an opt-in approach be considered only for existing subscribers to be included in the DAS.
- New PCS subscribers will have to opt-out if they choose to be ex-directory.

e) Assuming that a PCS DAS is introduced;

- i. Should the PCS providers provide the DAS services individually i.e. the public will have to call each of the three service providers in order to obtain the relevant information?**
- ii. Should the PCS service providers collaborate for a single directory for all subscribers?**
- iii. How should the implementation of MNP be accommodated in relation to PCS DAS?**

Comments

First Consultation

Maxis choose not to comment on all the three issues whilst Celcom said the issues were not relevant to them. DiGi's comments to the first question are the service should not be introduced, based on the dipstick survey mentioned earlier. On the other 2 issues, they said it was not applicable to them.

TIME, TM, the Civil Defence department and First Principles felt that there should only be one centralized directory (one single service provider) as compared to a decentralized directory service.

TIME added that there will be issues on who should manage the database as it will involve confidentiality of the database.

TM on the other hand added that if the Commission decides to implement the Integrated Public Number Database (IPND) then TM is best placed to implement for the following reasons:

- One stop centre for customer to get directory service and preferably using TM 103 directory service as customers need to remember only one number
- TM already have a directory infrastructure available and it will be costly for other PCS providers to develop their own infrastructure
- It will be easier for the Commission to regulate one single service provider for DAS
- As to the confidentiality of customer database, appropriate measures should be taken to safeguard the customer database which should only be used to for directory purposes. (not marketing etc.)

TM currently keeps directory information on fixed OLNOS numbers and these numbers are used solely for directory purposes.

However, TM reiterated that data users should pay for extracts, and data providers ought to pay for and provide their own data transmission links to the database. This is seen by TM to be fair and equitable.

TM also mentioned that such facility has been in place in Australia. In Australia, the provision of the IPND is set out in the incumbent's Carrier Licence Conditions. These conditions require that Telstra establish and maintain an industry wide integrated public number database to supply information for purposes connected with providing a range of required applications services.

Second Consultation

Maxis agree that the subscribers should only need to call one number to access DAS. However, Maxis feel that there should not be a single directory for all subscribers.

Maxis request an operator initiated solution be considered as the best way forward to provide the DAS for PCS and PSTN. This is because the current interconnect charge which is being charged by TM for the 103 DAS is high relative to the charge which is being imposed on their customers.

Commission's Final views

- The Commission takes note of the comments made by the interested parties.
- Based on the response received it is clear that the general consensus is that there should only be one access number for the DAS for both PCS and PSTN. This makes it easier for the public to access the DAS as they only need to remember one DAS number.

- Currently, this is already being done for PSTN service where all PSTN service providers provide their subscribers' information to TM for DAS. As such, the Commission mandate that a single DAS be introduced to access PCS subscribers' telephone numbers except for subscribers who chooses not to be listed.
- However, on the management of the DAS database, the Commission will leave the matter to the service provider to find the best and most practical solution to ensure a cost effective and efficient DAS.

MNP and PCS DAS

Comments

First Consultation

TM informed that the impact on MNP to the proposed DAS depends on the selected method to implement MNP. To provide DAS, operator will need to have access to both active existing customers as well as to the ported database be it the centralized ported number database or internal ported number database

TM further points out that the feasibility of accommodating PCS DAS within the context of MNP remains unclear since the implementation of MNP is still in its early stages.

Second consultation

No further comments were received.

Commission's Final views

- The Commission takes note of the comments made by the interested parties.
- Generally, based on the feedback the Commission concludes that since the implementation of MNP is still in its early stage there are no clear implications with regards to the implementation towards PCS DAS.

f) Should DAS be offered by PP service providers?

Comments

First Consultation

Maxis did not provide any comments and DiGi and Celcom said this has no relevance to them.

TIME feels that PP should be given the flexibility to offer or allow DAS service as it is very much dependent to the type of payphone that they have installed.

TIME currently does not allow calls to DAS numbers mainly due to the need to protect against fraud calls. TIME has not been able to deal with fraudsters making fraudulent calls from payphones. The economics of providing customer convenience and business viability must find some acceptable balance. TIME feels that some form

of compensation must be payable to payphone operators for the use of equipment for making such calls as PP service is TIME's sole source of income.

TM feels that it is not practical for PP service providers to provide DAS as PP users are not subscribers. Therefore it is not possible for PP to maintain database of users of public payphone.

On the other hand it is not possible for PP to access to database as there is no single DAS available. However TM has no prohibition for PP to access its directory listing.

The Civil Defence department agree that the PP service providers should offer DAS.

First Principles agreed to the idea since the PP service providers no longer provides any physical directory at PP booths anymore. However, First Principles proposed that there should be a single DAS for access by all end users. In doing so First Principles states that the Commission should consider whether it is economically viable or otherwise for a not-for-profit organization to be set up to manage the DAS.

Second consultation

TM argued that TM Payphone will not be able to provide DAS on its own since it is difficult to maintain a database of users of the PP (the users of the PP are not subscribers to the PP services and are ad hoc customers).

TM Payphone will have to have access to TM DAS in order to provide the service, and customers will be charged accordingly based on the CMA Rate Rules 2002.

TM further mentioned that it has not stopped providing call connection service as part of the DAS but the service is applicable to TM subscribers only.

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- Based on the feedback received the Commission is of the view that DAS is a public service that should be widely available and accessible including through PP. PP being a service which is easily accessible should not deprive its users from making DAS calls.
- Therefore, the Commission has decided that PP service provider should allow users to call DAS on PP which is being provided by relevant service providers. Any charges should follow the Rate Rules 2002.

g) Should the DAS cover enquiries using the telephone number and seeking the name of the subscriber?

Comments

First Consultation

All replies to the PC feel that it should only be enquiries using the name of the subscribers and for enquiries on the telephone number and not otherwise.

Maxis, DiGi and Celcom feel that this option should only be made available to law enforcement officials and not the general public. Providing it to the general public can be an avenue for abuse and may contravene the laws of PDPA.

TM calls the method as “reverse search” which is mainly used for business customer and it is being practiced by a number of countries. TM sees benefit in tracing malicious call or crank calls from a particular telephone number, there is however a need to balance the advantages of such enquiries against other issues such as the cost involved and potential privacy implications.

TM pointed out that if the reverse directory service is to be implemented the information should be limited to, in the case of residential subscribers to the name of registered subscriber only and not the address for security purposes. However, in the case of business subscribers, the name and the address may be provided.

The Civil Defence department feels that information search of such a manner should only be limited to the enforcement authorities as they feel that Malaysian consumers are not matured enough to be responsible for such a convenience.

First Principles emphasize that doing so is an invasion of individual and personal privacy.

Second Consultation

TM welcomes the Commission’s view that enquiries can only be made using the name of subscribers to address the confidentiality of customer information and security of the individual.

However, TM further reiterates its suggestion earlier that the Commission further explore on the possibility of implementing the service known as “reverse search” which is practiced by a number of countries. TM is of the opinion that this service will be very beneficial mainly for business customers.

Commission’s Final Views

- The Commission takes note of the comments made by the interested parties.
- Based on the feedback given the Commission is of the view that enquiries should only be made using the name of the subscriber to seek the telephone number and not vice versa.

SECTION 6: EMERGENCY SERVICES

h) The Commission seeks views on whether there is a need to mandate that service providers up-date customer information on a regular basis and what safeguards should be implemented in the event such a database is implemented?

Comments

First Consultation

All PCS providers agree that customer database needs to be updated regularly, without specifying the time factor, except for TIME who mentioned they update information on their new customers fortnightly. In terms of it being mandatory, only Celcom said yes whilst the others were silent on the matter.

Maxis points out that service providers databases are constantly updated with its customer information and is safeguarded when it is in the custody of the operators. They added it is in the interest of the service provider to update its database for various purposes such as billing, debt collection and so forth. Thus, they believe the need to mandate this is not necessary.

Maxis expressed that they noted that service provider (operators) allows PDRM emergency service call center to retrieve the relevant information from customer database on a call-by-call basis. Maxis believe the access to the customer database by PDRM should only be limited to identify the caller of emergency services and on a call-by-call basis.

DiGi on the other hand feels customers are the one who should be responsible to update the necessary information to the service providers. Therefore, service providers should not be accountable for any inaccurate or archaic information.

TIME informed that currently the customer information is updated on a yearly basis, for purpose of their printed directory. However, TIME do update its service provider information on customers who terminates their account and on new customers every fortnightly.

TIME adds that in the case of Mobile Number Portability (MNP) the update should be more frequent as it needs to cater for numbers that are being ported.

Celcom agrees that the customers information should be the latest and the database will be maintained by Celcom. However, the accountability of the information should be at the subscribers end and not service providers.

TM feels that all service providers should update and maintain their own customer database on a regular basis. However, subscribers should be accountable for any changes of information, otherwise, the customer information may be assumed as current.

TM also reiterates that customer database should reside at the service providers premise to safeguard against any abuse of the database if operated by third party.

TM added that currently the Access Agreement between TM and OLNO requires the OLNOs to supply TM with its newly directly connected and amended customer information as required to support the DAS in an agreed electronic format on a weekly basis or such other period of time as agreed between the Operators. Such customer information is provided strictly for the purposes of TM providing DAS only.

The Civil Defence Department pointed out that service providers needs to, from time to time update customer information on a scheduled basis and channel these information via on line on a continued basis.

First Principles feels that further study is needed depending on how the database is maintained, who has access to it, and what information is retained and the privacy obligations. They further iterated that the only information necessary, is the name of subscriber and the subscriber number.

Comintel is also of the opinion that an updated database ensures that emergency service organizations will be able to act on the call promptly. Comintel further elaborated on the Automatic Numbering Identification (ANI) and Automatic Location Identification (ALI) which they are currently using, designed to receive emergency calls and match them with ANI/ALI data resident in PDRM domain to determine the caller identification and location. However, Comintel has concerns about the cost of maintaining such database and the possibility of disclosure of customer information in a non emergency call situation.

To reflect this understanding Comintel proposed item 42 in the draft Commission Direction to be amended.

In conclusion Comintel is of the view that there is a need to mandate that service providers up-date subscribers database. The interval at which it has to be up-dated will have to be negotiated and established, not to cause administrative inconvenience, probably more consistent with the service providers internal procedures.

PDRM stresses that the call-by-call basis retrieval is conditional to the system's eventual response time and reliability performance. Thus, PDRM feels that further cost benefit study and analysis is needed before any financial commitment is undertaken by the government.

PDRM also pointed out that under the new emergency call handling arrangement where PDRM will operate call centres nationwide, service providers will make substantial financial savings/gains in operation overheads and payment to TM by other service providers for attending to emergency calls on their behalf. Thus, if service providers are to be paid for their database under RAS they are making double gains. On the other hand, since current practice is to pay TM for handling emergency calls, PDRM is proposing that the government should consider charging

all service providers for handling emergency calls based on their existing rates or any charging regime to be negotiated.

PDRM added that the fear of disclosure of customer information in a non-emergency call situation is a non issue and is unfounded and unnecessary. This statement has achieved in complicating the problem solving efforts. The data in questions, i.e. registered users' name, their addresses and the telephone numbers are just part of the information available in white pages and yellow pages and any party can have access to it.

Second Consultation

Comintel argued that call-by-call basis is not efficient in providing information to the PDRM emergency service call centre. As such Comintel feel that the possibility of retrieval on call-by-call basis is questionable.

Comintel added that the current PSTN infrastructure is not able to support the data requirement for PDRM ES Call Centres.

Comintel also informed that the fear of information abuse is unfounded as the required subscriber's information are already available in the public telephone directory.

Celcom supports MCMC's view that customers' information be retrieved on a call-by-call basis.

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- The Commission still feels that call-by call basis is still the best way forward in protecting customer information. The Commission however, feel the service provider should be in discussion with PDRM to determine the best method to support the data requirement for PDRM ES call cente
- The current information available in the published telephone directory is only for PSTN and those who chose to included in the directory.
- Based on the feedback received, the Commission mandates that the service provider develops procedures to ensure that customer details are regularly updated.
- The Commission has decided that all relevant service providers are to provide the emergency call information as required by PDRM on a call-by-call basis.

i) Should JPA3 991 service be listed as part of the obligatory RAS emergency services in the Commission Direction?

Comments

First Consultation

All the PCS providers and TM agree for the JPA3 991 service to be listed as part of the obligatory RAS emergency, as it is an essential public service and imperative that it forms part of the emergency services.

Maxis feel that 991 number should be integrated with 999 service and to be routed to TM under Phase 1 and routed to PDRM under Phase 2.

DiGi, similar with Maxis agree that 991 should form part of the emergency services, that it should be integrated with 999 and be handled by PDRM.

TIME prefers that there should only be one emergency number. TIME argue that there should only be one emergency number that is directed to one centre or agency. That center will then decide where a call should be directed to whether to JPA3 or anywhere else. Besides eliminating unnecessary cost that has to be incurred by operators to link up to another center, it will also be convenient to subscribers, as they only have to dial one number.

Celcom feels that the 991 call should be converted to 999 and for the police to handle it in line with PERS 999 Project.

TM argues that JPA3 991 clearly covers emergency situations which endanger human life and property as such JPA3 991 should be included within the scope of the emergency service calls. However, TM feels that the number should only be 999 and not 991 as the public have difficulty remembering many emergency numbers. However, TM request that the routing and interconnection cost be funded by MCMC.

The Civil Defence department requested that 991 be included in the CD, similar to the Police and Fire and Rescue Department.

First Principles agrees that the Civil Defence be included as part of emergency service and be listed in the RAS. However, First Principles believes that having different emergency services number may be too cumbersome for the calling public as public will now have to decide what type of emergency service is needed.

As such, First Principles proposed that there should be only one emergency number 999 and other numbers should be removed from the emergency services list.

Comintel is also of the view that JPA 3 991 should also be listed as part of the obligatory RAS emergency services in Phase 1 as this is the current arrangement. However, in Phase 2 the JPA 3 991 cease to be first respondent in emergency response. This will more in line with the Government decision made in 1996 to have a single 999 emergency number and to be managed by PDRM.

Comintel further explained that JPA3 has very specific functions like any other civil defence organizations in most countries, which is to provide supporting role in national disaster and providing ambulance services is incidental.

For reason of clarity Comintel proposed that in the draft CD under Interpretation and Clause 33 amendments be made to address any ambiguity in Phase 2 where PDRM not only receive the emergency calls but also to route it finally to the relevant respondents such ambulance services, fire brigade and other supporting agencies and non-governmental organizations to response to such emergency calls.

Second Consultation

DiGi agreed with MCMC that JPA3 991 service should form an integral part of the emergency services in Malaysia and therefore be integrated into 999 emergency service number.

Maxis was also in agreement with MCMC that it is in the public interest to only use one emergency, 999. However, Maxis pointed out that 112 should also continue to be used on the GSM cellular network as this is the international GSM emergency number.

Commission's Final views

- The Commission takes note of the comments made by the interested parties.
- The Commission noted that the submissions agree on the importance of Civil Defence role in addressing emergency situations and as such should form an integral part of the emergency services in Malaysia.
- The Commission also notes that there should only be one number i.e. 999 to handle emergency service calls for the convenience of consumers.

j) Should the 112 emergency calls in Malaysia allow for calls whether without SIM card, or with SIM cards that have lapsed, or whose service has been terminated for any other reason?

Comments

First Consultation

Most PCS providers are of the opinion that calls without SIM card (including SIM card that have lapsed) should not be allowed except for TIME. The service providers added that this will be opened for abuse by pranksters or irresponsible individuals.

Maxis feel that this function should not be allowed. The principal of use of 112 should only be made from valid subscribers. This is to prevent users who cannot be traced and to prevent spam from the caller who cannot be identified.

DiGi holds the view that the person is not regarded as a subscriber to any cellular service and hence should not be allowed to initiate any calls. DiGi feels that it could be subjected to abuse from young children.

As such DiGi feel that the 112 emergency call should only be allowed with SIM card where the service is active or suspended (able to receive calls only) and should not be allowed for SIM which service has been terminated (i.e number has expired, ready to recycled or in the process of recycling).

TIME however feels that these calls should be allowed regardless whether they have no SIM card or SIM card have lapsed or service has been terminated. It should be in line with the GSM standard.

Celcom said currently the 112 emergency calls in Malaysia do not allow calls without SIM card and whose service has been terminated. This is due to the fact that it is opened to abuse and the temptation to make prank calls. Celcom added that SIM cards that have been suspended can call 112 emergency call but not 999.

TM pointed out that it is technically impossible and certainly impractical that cellular users should have access to emergency services where the services has been terminated, the SIM cards have lapsed, or where there is no SIM card. TM is of the view that a service provider has no obligation to provide a service to a person who is not registered with any service provider. This is because a person without a SIM card is not a subscriber and cannot be linked to any service provider. The subscriber number resides with the SIM card. Thus, without a SIM card a call will not have an "A" number or the "calling number" which is required in order to pass through TM switch.

However, SIM cards that have been suspended can still receive incoming calls and make 112 emergency calls but not 999 calls.

The Civil Defence department feels that calls should be allowed regardless of having a SIM card or otherwise.

First Principles argued that any emergency calls from a mobile phone must be allowed without restrictions, even if the mobile phone has no SIM, credit has expired or subscription terminated.

Second Consultation

DiGi agrees with MCMC's view that 112 emergency service should not be allowed on mobiles without the SIM card or with a lapsed or terminated SIM.

Maxis noted that 112 emergency calls and 999 emergency calls should not be allowed to be used for call originating from phones without SIM cards or with phones with SIM cards that lapsed or terminated for any reason. According to Maxis, technically this refers to a phone that is "barred from attaching to a network".

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- The Commission feels that though it may be a good idea for service providers to provide access regardless of having a SIM card or otherwise it was pointed out by TM that is technically impossible and impractical looking at the "A" number requirement.
- After taking into consideration the feedback received the Commission feels that the possibility of making emergency calls without the SIM card is remote. The Commission also notes that it may not be practical or justifiable for the service providers to invest to ensure that the call centre accepts 112 emergency calls from mobile numbers which has lapsed or do not have a SIM card.

k) Should emergency service calls be allowed to be made even for disconnected accounts?

Comments

First Consultation

All service providers are of the opinion that emergency service calls should not be allowed for disconnected accounts.

Maxis do not agree to this point similar to 112 emergency calls. According to them this may provoke unnecessary spam to the service by unknown callers.

DiGi pointed out that disconnected accounts means the service has been terminated therefore "112" or "999" emergency calls should not be allowed because the identity of the caller could not be ascertained. In PSTN, a disconnected account is no longer a subscriber therefore all connection is not possible.

TIME presently, do allow emergency calls made but only for temporarily disconnected, i.e disconnection due to non-payment. For customers who have terminated their accounts, they would not be able to call any numbers including emergency numbers.

Celcom was against it as well. Their argument was no emergency calls should be allowed to be made for disconnected or terminated accounts. This is because they do not have a link with these customers anymore and to avoid prank calls.

TM said it should not be allowed for disconnected account because TM cannot afford to dedicate the line, distribution point, number and associated facility.

The Civil Defence department feels that it is important as it will help the emergency service agencies to react to the incident faster.

Second Consultation

DiGi agrees with MCMC's view that disconnected or terminated accounts holders should not be allowed to make any emergency calls both from PSTN and PCS as they are no longer the subscribers of the service.

Maxis also agrees with MCMC's view on this whereby emergency calls should not be allowed from disconnected account for both PSTN and PCS networks.

Commission's Final views

- The Commission takes note of the comments made by the interested parties.
- Based on the feedback, once a service has been disconnected or terminated technically there will no longer be any dial tone for calls to be

made. As such the Commission mandates that the PSTN and PCS providers should not allow for calls to be made from disconnected or terminated lines.

Other Comments

1. Emergency Service Call Termination Center under Phase 1

First Consultation

PDRM refers to the implementation of the emergency calls Phase 1 which is handled by TM emergency service call termination centre and seeks clarification on the PDRM call centres under the current implementation.

TM added that currently all 999 calls are routed to TM emergency service call termination centre except for Sarawak where it is still being managed by PDRM Sarawak as well as selected areas in Petaling Jaya and Subang Jaya where the 999 termination is at PDRM Petaling Jaya.

Second Consultation

No further comments were received.

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- The Commission noted that emergency calls from these areas are handled similar to TM emergency call centres i.e. 999 emergency calls picked up by PDRM and forwarded to the emergency service agencies depending on the situation.
- As such, the Commission recommends that the Phase 1 implementation reflects this, in areas that calls need to be terminated at respective PDRM call centres.

2. Implementation issue of RAS under Phase 2

First Consultation

TM reiterate that under the second phase of emergency call service the service providers should not be made to bear the cost associated with providing the solutions to support the requirements of making information available to PDRM. TM proposed that MCMC should consider funding the project.

Secondly, TM informed that they do not currently have any information on the latitude and longitude of payphone.

Maxis request MCMC to consult the operators separately on the implementation of Phase 2. Maxis further added that in addition to the funding issue raised by TM they would also have to take into consideration technical, commercial, legal and regulatory issues which need to be agreed upon among all parties concerned.

Second Consultation

Celcom's supports MCMC's view that the set-up for emergency call services be funded by PDRM or the Ministry.

Maxis also supported MCMC's opinion that the funding for the emergency call services under Phase 2 be borne by PDRM or its Ministry. Maxis further reiterated that despite of the funding issue, the implementation of Phase 1 would also have to take into consideration technical, commercial, legal and regulatory issues to be agreed among the parties concerned.

Maxis would like to request MCMC to consult the operators separately on the implementation of Phase 2 before mandating any aspects of Phase 2.

Comintel request for a clarification on the definition of "funding the emergency call services" under Phase 2 as they are of the opinion that it needs further clarification to demarcate the type of services. This is also for the sake of clarity and to determine that it is only in respect of manning and operating the emergency service call centres.

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- The Commission noted that currently the second phase is dependant on PDRM's rolling out of its service. The current test has yet to be properly materialized due partly by uncertainty of PDRMs roll out plans for the service.
- Therefore based on the discussion that the Commission had earlier with the service providers time frame will only be determined once PDRM is able to finalise its national roll out plans.
- However, to enable testing of the PDRM emergency call centre system The Commission proposed that a parallel system be introduced to ensure that no emergency calls are left out and not attended due to the testing and the migration.
- The Commission agree that a separate discussion to be undertaken by the service providers with other related groups.
- However the CD for emergency service Phase 2 will still remain as related parties has agreed earlier to the general concept.
- On the funding of the ES for Phase 2 the funding for end user to call and terminating it to the ES will be borne by the service providers in line with the Ministerial Determination.
- The Commission feels that the funding of the emergency call services other than those determined under the current Ministerial Determination should not be borne by the service providers.
- All participating service providers should provide necessary input to the emergency service provisioning to ensure that the Phase 2 can function properly.

3. Call priority

Comments

First Consultation

TM informed that it is not able to provide call priority for emergency calls. This is because call priority is given to the customers or callers and not the termination.

TM mentioned that there can still be congestion if the termination centre has limited number of circuits. Maxis added that to avoid congestion sufficient capacity would have to be provided to ensure the emergency calls are terminated at the call centres.

Second Consultation

TM wishes to reiterate its stand, that it is not able to technically give priority to emergency calls. As been practiced currently, call priority is only given to the customers/caller, not the termination. Due to that, there will still be congestion if the termination centre has limited number of circuits.

On the issue of call priority, Maxis agree with TM's comments that it is not possible to prioritize. However, Maxis note that sufficient trunk capacity would have to be provided to ensure the emergency calls are terminated at the call centres to avoid congestion. They highlighted that typically the congestion could occur at the call centers when there are insufficient operators to handle these calls in a timely manner.

Commission's Final Views

- The Commission noted the views by TM and Maxis and reiterate that the call priority mentioned here is meant for the customers and callers and termination at TM emergency call centre. TM must ensure that sufficient capacity i.e. network and staffs are made available to answer calls handled by the TM emergency call centre.
- TM should take necessary action to ensure the capacity to minimise congestion and comply with the Mandatory Standard on speed of answer for emergency call.
- The Commission mandates that the relevant service provider should give priority to caller making emergency calls and ensure enough capacity to minimize congestion at the point of call termination.

4. Suspended customers

First Consultation

TM highlighted that to allow suspended customers to make emergency calls will require a system software upgrade.

Second consultation

TM noted the Commission's view that suspended customers should be able to make emergency calls. TM however, reiterates to the Commission to take into consideration that TM will require a system software upgrade to allow this facility to be made available.

Maxis noted MCMC's views that suspended customers should be allowed to make emergency calls. For the purpose of this RAS, Maxis requested MCMC to define customer as suspended when they can only receive calls but not able to initiate outgoing calls for whatever reasons.

Commission's Final Views

- The Commission takes note of the comments made by TM and Maxis.
- The Commission mandates that suspended customers should be able to make emergency calls.

5. Cell ID

First Consultation

PDRM inform that cell ID information can provide an accuracy of user's position up to many square kilometers. This, to PDRM is highly inadequate to locate the victims or caller and this shall negate any response effort. PDRM suggest that the government should compel the PCS providers to install more accurate system based location identifying system for 999 applications.

Second Consultation

No further comments were received.

Commission's Final Views

- The Commission takes note of the comments made by PDRM.
- The Commission agrees that there are already technologies available in the market to ensure a more accurate based location to identify the location of callers.
- The Commission proposed that this new technologies be explored.

6. Quantity of numbers

First Consultation

First Principles proposed that there should only be a single number for emergency calls. This is because in an emergency situation a person who is in a state of anxiety will find it difficult to remember more than one emergency number.

Second Consultation

No further comments were received.

Commission's Final Views

- The Commission takes note of the comments made by First Principles.
- The Commission agrees that there should be a single number for emergency service. However, the implementation may be done in the second phase of the emergency implementation.

SECTION 7 : RAS IMPLEMENTATION

I) Is it necessary to mandate a standard for DAS and OAS or should it be left for the service providers to decide?

Comments

First Consultation

Maxis, DiGi, Celcom and TM feel that there should not be any mandatory standards for DAS and OAS and that they should be allowed to decide the need for them and to determine whether it is necessary for them to have one.

TIME however feels that there should be a standard to ensure consistencies between all operators. This will help to minimize confusion of subscribers.

TM feels that there should not be a mandatory standard for DAS and OAS as quality relates to cost. The onus is on the service provider to carry out its own focus group and customer survey to improve services based on customers requirement and therefore not necessary for a standard to be mandated.

TM already has its own QoS standards, which is workable and familiar amongst the industry players. Therefore, there is no need for a mandatory standard for these services.

The Civil Defence department feels that the government should provide a Guideline to all service providers in order not to confuse the users and for better control.

First Principles feels that the Commission should not prescribed any mandatory standards because:

- a. this is not in line with MCMC's declared objective of light handed regulation.
- b. technology may change which enables a better standard to be introduced.
- c. a prescription means that it is better in determining the level of service than the providers themselves.
- d. the implications of a breach are not sufficiently serious to warrant any enforcement or legal action.

First Principles thinks it is better for the industry to set its own standards i.e. via Consumer Forum since they are responsible for consumer welfare and protection.

Second Consultation

DiGi agrees with MCMC that no mandatory standard should be imposed on service providers on DAS and OAS.

Maxis agree that there should not be mandatory standard for DAS and OAS. Maxis also notes that mandatory standards for emergency service can lead to high costs to the service providers especially in an environment where there is a relatively high number of prank calls to the emergency numbers.

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- The Commission agree that it should be light handed approach and that the standards for DAS and OAS should be determined by the service providers in the name of industry self-regulation.
- Furthermore there is already a Mandatory Standards for QoS that monitors service performance of NSPs and ASPs, though not specifically in this area.
- However, the Commission proposed for the mandatory standards on emergency services be reviewed to ensure higher levels of efficiency for the benefit of consumers.

m) What impact, if any, would the implementation of MNP have on the RAS and what action should be taken to minimise disruption of services?

Comments

First Consultation

Maxis, DiGi and Celcom are not certain of the impact of MNP since the implementation is in its feasibility stage and method have not been finalized.

TIME pointed out that the Commission may want to consider getting the management of the Clearing House of MNP since they would have the most updated database.

Other things to consider is the confidentiality of the database and the willingness of operators to provide the complete database for postpaid and prepaid.

TM feels that the implementation of MNP will present a complex and costly exercise. Thus, MNP on telecommunications industry in developing country like Malaysia will

remain unknown. There is a real risk that the implementation of MNP may present commercial consequences and fail to meet policy and regulatory objectives. TM is unable to ascertain the impact until they conduct further study. However, TM foresees the disruption of the RAS during transition of porting.

The Civil Defence department feels that the service providers should improve its systems to ensure that there won't be any problems when information is being sent to the emergency service agencies.

First Principles holds similar view with the PCS providers, which is until the true nature of the MNP implementation mechanism is determined, it is difficult to say what the impact will be to the RAS obligation.

Second Consultation

DiGi agree with MCMC's view that further research is needed to gauge the impact of MNP on RAS.

Maxis agree with MCMC that further research needs to be undertaken.

Commission's Final Views

- The Commission takes note of the comments made by the interested parties.
- Generally, respondents are unsure of the impact of the MNP since it has yet to be introduced.
- The Commission feels that further research needs to be undertaken upon the MNP launch to determine its impact towards RAS.

SECTION 8 : OTHER COMMENTS AND VIEWS

REQUIRED APPLICATIONS SERVICES -GENERAL

Comments

1. Number promotion

First Consultation

First Principles feels that apart from provisioning of numbers for the services there must also be promotion of the existence of such numbers to the public.

MCMC should consider how the promotion of these numbers can be made and who should bear the cost of such exercise. They also add that without adequate promotion, the RAS exercise will not have an impact.

Second Consultation

TM is of the opinion that there should also be activities on the Commission's part in promoting the number, eg through Consumer Forum. These promotion activities should not be the sole responsibility of service providers. TM offered their

assistance to closely work and collaborate with the Commission and other industry players in promoting the number to the public.

Commission's Final Views

- The Commission takes note of the comments made by First Principles and TM.
- The Commission feels that the service providers should take responsibility to promote the service. However, for emergency service the Commission feels that the responsibility lies with all parties involved and should not be limited to the service providers only.

2. ASP Obligation

First Consultation

First Principles feels that imposing obligations on certain type of ASPs to provide RAS is erroneous and is contradicting to the CMA and violates the concept of technology neutrality and non-service specific licensing.

Second Consultation

No further comments were received.

Commission's Final Views

- The Commission takes note of the comments made by First Principles.
- The RAS is imposed to certain type of ASPs as only these ASPs can technically provide the RAS. However, other services listed will be included to provide certain type of RAS depending on the requirement of the service.

3. Services for Disabled person

First Consultation

The current scope of the RAS as highlighted by First Principles omit services for disabled consumers and operational provisions that enables disabled people to make use of the RAS. This to First Principles view, further marginalized these group in an unfairly and unjustly manner.

Second Consultation

No further comments were received.

Commission's Views

- The Commission takes note of the comments made by First Principles.

- The Commission does not marginalize any group unfairly. The current review only covers DAS, OAS and ES. The Commission is currently undergoing study to ascertain services for these disabled groups.

4. VoIP operators in the provisioning of RAS

Second Consultation

TM highlighted that in the draft report had not addressed the involvement of VoIP operators in the provisioning of RAS. In relation to this matter, TM would suggest that the Commission also incorporate VoIP roles and responsibilities towards fulfilling RAS in the final report. This is in line with the issuance of 0154 numbering by the Commission to some ASPs.

Commission's Views

- The Commission will be addressing this issue separately under a broader perspective with regards to VoIP implementation.

5. Comments on the Commission Direction

Fire brigade/Fire services

The Fire and Rescue Department (BOMBA) request that the name; " Fire and Rescue Department, Malaysia" (FRDM) be used to represent them.

Commission's View

- The Commission takes note of the comments made by the Fire and Rescue Department and will amend as proposed.