



GUIDELINES TO TELECOMMUNICATIONS PROVIDERS REGARDING ADVANCE NOTICE

July 9, 2010

1. Effective immediately, telecommunications providers must provide advance notice of all changes in their policies, promotions and/or terms and conditions of existing promotions (referred to as 'policies') which adversely affect or are likely to adversely affect members of the public.
2. Advance notice must be adequate in mode, duration, and form. In determining the adequacy of an advance notice the FTC will consider whether it is *similar* to the most recent notice or advertisement (referred to as 'the original notice') which informed the public of the relevant policy which it seeks to cancel, adjust or amend.

Similarity refers to:

- the mode or manner in which the original notice was issued;
 - the period during which the original notice remained effective; and
 - the form of the original notice.
- ***Mode or Manner of issue***
Advance notice must be made utilizing the same type of medium in which the original notice was issued. Therefore, where an original notice was issued electronically for e.g. by text messaging or via the internet, the advance notice must be issued ***at least*** in the same manner. This applies whether the original notice was issued by print (e.g. phone card, newspaper), radio, television, brochure, bill board etc.
 - ***Duration***
The period during which the original policy remained in force directly relates to the amount of time needed to notify the public before the change of policy takes effect; provided that no more than thirty (30) days will be deemed sufficient for any one change of notice. For example, where an original notice was in effect for 30 days, advance notice of ***at least*** 30 days will be required for it to be considered similar so that it can be deemed adequate.

FTC ADVANCE NOTICE POLICY FOR TELECOMMUNICATIONS PROVIDERS (*contd.*)

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- ***Form of the Original Notice***

Advance notice issued in a similar medium to the original notice, must also be similar in form to the original notice. For instance, where an original notice was issued by way of an advertisement in the newspaper, the advance notice should be formulated in a similar form. Regard will be had to the size and dimensions of the original notice, the font size, whether it was issued in colour, whether it included graphics, logo, and where it was located in the newspaper.

Where the FTC concludes in a matter that there was no advance notice, or that advance notice was not adequate, it will be treated as Misleading Advertising and a possible breach of section 37 of the Fair Competition Act.

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