



Consumer Dispute

Dismissal of Complaint

Decision and Order

Matter: 20210318A

Date: 18 March 2021

Introduction

1. The Regulatory Authority of Bermuda (the “Authority”) hereby issues this decision and order dismissing the complaint raised by an end-user pursuant to section 57(4) of the Regulatory Authority Act 2011 (“RAA”).

Legal Context

2. Section 57(1) of the RAA requires the Authority to seek to resolve disputes arising between an end-user and a sectoral provider:

“The Authority, when requested to do so, shall seek to resolve disputes between an end-user and a sectoral provider resulting from an act or omission by a sectoral provider that allegedly contravenes this Act, sectoral legislation or any regulations made by the Minister or administrative determination made by the Authority.”

3. Section 57(4) of the RAA sets out the steps that the Authority must take in the instance that a resolution cannot be agreed in the timeframe set out below:

“If the Authority is unable to facilitate an informal resolution of the dispute within 30 days after receiving the complaint, the Authority shall—

- (a) if both parties consent, and the Authority concludes it would be appropriate, refer the matter to arbitration, at the parties’ expense;*
- (b) conduct an adjudication; or*
- (c) if the Authority determines that the complaint is plainly without merit, issue a decision and order dismissing the complaint.”*

Factual background and reasons for decision

4. The Authority received a complaint on the 11th of February 2021 against Bermuda Digital Communications Ltd and Logic Communications Ltd. (collectively trading as One Communications, "OneComm") from Mr. C. Brown (the “End-user”) regarding international significant roaming charges incurred overseas dating back to July 2018 totaling nearly \$25,000. The End-user says he was using a SIM card purchased locally in the countries where he was traveling in order to avoid international roaming charges.
5. The OneComm data usage report shows that the End-user was using mobile roaming data on his OneComm SIM card in those countries in July 2018 and consuming an excessively high volume of data. OneComm also provided the Authority with evidence of invoices, credit memos, and additional documentation to demonstrate various efforts to address the End-user’s complaint.

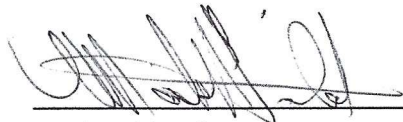
These efforts in total, according to OneComm, allowed for retroactive rate reductions and credits amounting to nearly \$23,000.

6. According to OneComm, the End-user verbally agreed to settle his account and pay a flat fee of \$2,000 for the international roaming charges from July 2018, as well as the monthly service balances owing for August, September and part of October, 2018, all of which was a combined total of \$3,674.56.
7. In line with its statutory efforts to assist in informally resolving the dispute, the Authority issued a letter on the 4th of March 2021 to the End-user stating its preliminary position that the international roaming charges on his OneComm account were valid. The reasons provided were based on the data usage reports provided by OneComm and evidence of their efforts to help reduce the roaming charges incurred.
8. The Authority informed the End-user of the next steps set-out in section 57(4) of the RAA when it is unable to resolve the dispute within 30 days. The Authority invited the End-user to respond to its preliminary position with any additional supporting documentation if he disagreed with its position.
9. The Authority received no formal response or additional supporting documentation before the expiration of the 30-day timeframe stipulated in the RAA and is therefore duty-bounded to find that the complaint was plainly without merit.

DECISION AND ORDER

1. The Authority determines that the 11th of February 2021 complaint by C Brown against Bermuda Digital Communications Ltd and Logic Communications Ltd. (collectively trading as One Communications, "OneComm") is plainly without merit; and
2. The Authority hereby dismisses the complaint pursuant to section 57(4) of the Regulatory Authority Act 2011.

So ordered this 18th day of March 2021.



Mark Fields, Chairman