



REPORT OF THE ADJUDICATOR

WASPA Member (SP)	Worldplay (Pty) Ltd
Information Provider (IP) (if any)	s/a
Service Type	Subscription services
Source of Complaints	Mr K Snijders / Flickswitch (Pty) Ltd
Complaint Number	4524
Date received	11 July 2008
Code of Conduct version	6.1

Complaint

This complaint was lodged via the WASPA website. The complainant is employed by another WASPA member.

The complainant alleges that he has been billed for a subscription service used by a previous user of the same number. The complainant alleges that the SP has breached section 11.2.5 of the WASPA code in that the billing has occurred after more than 3 months of inactivity on the service.

The pertinent dates given by the complainant are as follows:

Sim provisioned on Vod Network : 28-11-2007

Sim Connected : 21-12-2007

Airtime loaded : 17-6-2008

Billed for content by Worldplay:

22-6-2008 (R5)

30-6-2008 (R5)

10-7-2008 (R5)

Called to unsubscribe and request refund: 11-7-2008

Pending refund via EFT.

The complainant indicated in his complaint that he was not interested in obtaining a refund and that he wanted WASPA to sanction the breach of section 11.2.5.

SP Response

The SP has responded by stating that the number was unsubscribed from its "Weekly Sounds Service" on 11/07/2008. The SP refers to the number in question being recycled and initially tendered a R29 in the form of a recharge voucher. However, pursuant to the complainant's request, the refund was eventually paid via EFT.

The SP has not addressed the allegation that it has breached section 11.2.5 of the code.

Sections of the Code considered

Section 11.2.5:

A user must be removed from a subscription service if no successful bills have been processed for that service for more than three months, or if there is an indication from one of the mobile networks that the number is no longer in use.

Decision

Number recycling is common practice amongst the network operators. Although recycling is not expressly dealt with in section 11.2 of the code, subsection 11.2.5 makes provision for a user to be removed from a subscription service if the service provider has been unable to process a bill for a period of 3 months or if there is an indication from the network operator that the number is no longer in use.

In the current complaint, there is no evidence that the SP received an indication from the network operator when the previous holder of the number ceased using it. However what is clear from the chronology of events is that SP would have been unable to successfully process any billing for its weekly subscription service between the period 21 December 2007 to 17 June 2008. As this period is longer than 3 months, the number should have been removed from the SP's subscription service in terms of section 11.2.5.

The SP has therefore breached 11.2.5 by continuing to bill for this service in June and July 2008.

Sanctions

The SP has refunded the fees incorrectly billed to the complainant. It is therefore not necessary for any order to be made in this regard.

However the SP is also hereby issued with a formal reprimand for continuing to bill for subscription services in contravention of section 11.2.5 and is warned that any further contraventions of this section will lead to stricter sanctions in future.